

# Rules

## RULE

### Department of Culture, Recreation and Tourism Office of the State Library

Patrons Right to Privacy, State Library Processing Center;  
Public Library Construction; Health and Correctional  
Institution Libraries; Auditorium and Conference  
Room-Use by Public; Deposit of Publications;  
Depository Library System  
(LAC 25:VII.Chapters 5, 11, 21, 25, 27, 43, and 45)

Editor's Note: LAC 25:VII.2705, Patron's Rights, has been moved to LAC 25:VII.507. The text of this Section has not been changed, but moved to be incorporated into similar subject matter.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Libraries, Museums, and other Scientific and Cultural Facilities Law (R.S. 25:8 et seq.), the Office of the State Library has repealed and amended Rules of the State Library of Louisiana.

## Title 25

### CULTURAL RESOURCES

#### Part VII. State Library

##### Subpart 1. Readers' Services

##### Chapter 5. Services

##### §507. Patrons' Right to Privacy (formerly §2705)

A. State Library employees shall not divulge information regarding the materials used by any patron nor shall they identify the users of particular library materials without the consent of the individuals concerned. Such privileged client information will only be made available by the State Library on order from a court of competent Jurisdiction.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repromulgated by Department of Culture, Recreation and Tourism, Office of the State Library LR 28:1576 (July 2002).

##### Subpart 2. Library Technical Services

##### Chapter 11. State Library Processing Center

##### §1101. Processing Center Functions

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §1103. Conditions for Membership

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §1105. Space and Staff

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §1107. Processing Center Agreement with Member Libraries

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §1109. Processing Center Charge to Institutional Libraries

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

#### Part VII. State Library

##### Subpart 3. Library Development

##### Chapter 21. Public Library Construction

##### §2101. Administration

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, Office of the State Library of Louisiana, LR 18:1356 (December 1992), repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §2103. Definition

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, Office of the State Library of Louisiana, LR 18:1356 (December 1992), repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

##### §2105. Rules Governing Administration of the Act

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Adopted by the Louisiana State Library, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 18:1356 (December 1992), LR 22:12 (January 1996), repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002).

## **Chapter 25. Libraries in State's Health and Correctional Institution**

### **§2501. Services**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1577 (July 2002).

### **§2503. State Library Agreement with Individual Institutions**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974 repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1577 (July 2002).

### **§2505. Agreement**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism Office of the State Library, LR 28:1577 (July 2002).

## **Chapter 27. Auditorium and Conference RoomC Use by Public**

### **§2701. Details**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1577 (July 2002).

### **§2703. Equipment Use**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repealed by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1577 (July 2002).

## **Chapter 43. Deposit of Publications**

### **§4303. Public Documents Required to be Deposited**

A. The public documents required to be deposited are those defined in R.S. 25:121.1. "*Public Document*" means informational matter, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency. Further, this definition specifically includes journals, laws or bills, statutes, codes, rules, regulations; newsletters, bulletins, state plans, brochures, periodicals or magazines; minutes of meetings of boards and commissions, transcripts of public hearings; reports, directories, statistical compendiums, bibliographies, pamphlets, lists, books; charts, maps, surveys; other printed matter; microfilm, microfiche, audiovisuals; electronic documents. "*Electronic Documents*" denotes any discrete public document published in a static electronic or digital format, i.e., CD-ROM, web

document, floppy disk, etc. Whenever possible, paper is the preferred format for deposit with the recorder of documents. Excluded from the definition of public documents are correspondence, interoffice or intra-office memoranda, records of an archival nature; interactive, non-discrete, constantly changing electronic items such as Web sites, databases, ASP (active server pages), or software programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002).

### **§4305. Public Documents not Required to be Deposited**

A. ...

B. Complete Web sites are excluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002).

### **§4311. Liaison Officer of Agencies**

A. The head of every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the recorder of documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the recorder of documents of any new liaison officer should a change occur. If a liaison officer is not appointed, the head of the agency serves as liaison by default. The liaison officer of each state agency shall have the duty to provide the recorder of documents with required copies of publications in whatever format they were originally published and to submit the URL's of Internet documents. The liaison officer shall compile and forward to the recorder of documents lists of the public documents of the agency, and to provide other related information as may be requested by the recorder of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002).

### **§4313. Application of Rules**

A. If the liaison officer is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is burdensome because of cost or numbers published, or if the number of copies to be deposited is uncertain, the liaison officer of the agency shall consult with the recorder of documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the recorder of documents, a written request should be submitted to the state librarian, who shall make the final ruling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002).

## **Chapter 45. Depository Library System**

### **§4501. Statutory Depositories**

A. Louisiana State Library and Louisiana State University Library at Baton Rouge are legally designated complete depository libraries. They shall be the historical depository libraries, shall receive two copies of all public documents received by the recorder for distribution, and

shall retain permanently one copy of each. The State Library of Louisiana is responsible for archiving and providing permanent public access to documents it receives that are issued solely in electronic formats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002).

#### **§4503. Other Depositories**

A. Libraries including those in state agencies and other institutions in Louisiana wishing to receive public documents through the depository system shall submit a written application to the state librarian requesting designation as a complete depository, or a selective depository. Special depository status is limited to the David R. Poynter Legislative Research Library.

1. Complete depositories shall receive one copy of all public documents received by the recorder of documents for distribution and shall retain one copy for a minimum of six years.

2. Selective depositories shall receive one copy of the core collection and all public documents received by the recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of six years. Those libraries selecting only the core collection shall retain the latest edition of each document received.

3. The special depository shall follow standard selection procedures and shall comply with the contract made with the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1578 (July 2002).

Gary O. Rolstad  
Associate State Librarian

0207#012

### **RULE**

#### **Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division**

##### **Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>) (LAC 33:III.2201)(AQ224)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2201 (Log #AQ224).

This revision of LAC 33:III.Chapter 22, Control of Emissions of Nitrogen Oxides, lowers the regulatory threshold for lean-burn internal combustion engines in the Baton Rouge Nonattainment Area from 1500 to 320 horsepower. The rule also revises the definitions for *peaking service* and *cap* and ensures that the allowance trading program is consistent with LAC 33:III.605 and 607. The regulatory threshold for lean-burn internal combustion engines located in the Baton Rouge Nonattainment Area is being revised in order to meet Reasonably Available Control

Technology (RACT) requirements for NO<sub>x</sub> emissions in the ozone nonattainment parishes. This rule also revises the Louisiana State Implementation Plan (SIP). The basis and rationale for this rule are to protect air quality in Louisiana and to comply with the NAAQS for ozone.

This rule meets an exception listed in R.S. 30:2019.D.(2) and R.S. 49:953.G.(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part III. Air**

#### **Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)**

##### **§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence**

A. - A.3. ...

B. Definitions. Unless specifically defined in this Subsection or in LAC 33:III.111 or 502, the words, terms, and abbreviations in this Chapter shall have the meanings commonly used in the field of air pollution control. For purposes of this Chapter only, the following definitions shall supersede any definitions in LAC 33:III.111 or 502.

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*CapCa* system for demonstrating compliance whereby an affected facility, a subset of affected sources at an affected facility, or a group of affected facilities under common control are operated to stay below a mass emission rate expressed as mass per unit of time. The allowable mass emission rate is calculated by adding the allowable emissions for each affected point source. The allowable emission is the product of the source's average hourly heat input in MMBtu/hour (not to exceed any applicable permit limitations) based on the highest consecutive 30-day period during the ozone seasons of 2000 and 2001 and the applicable factor in Paragraph D.1 of this Section.

\*\*\*

*Peaking ServiceCa* stationary gas turbine that is operated intermittently to produce energy. To be in peaking service, the annual electric output (MW-hour) for the affected point source shall be less than the product of 2500 hours and the MW rating of the turbine.

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*Trading Allowances*—the tons of NO<sub>x</sub> emissions that result from over-controlling, permanently reducing the operating rate of, or permanently shutting down, an affected point source located within the Baton Rouge Nonattainment Area or the Region of Influence. The allowances are determined in accordance with LAC 33:III.607.C and from the emission factors required by Subsection D of this Section for the affected point source and the enforceable emission factor assigned by the owner or operator in accordance with Subsection E of this Section. Baseline emissions shall be the lower of actual emissions or adjusted allowable emissions, as defined in LAC 33:III.605. Trading allowances will be granted only for reductions that are real, quantifiable, permanent, and federally enforceable. NO<sub>x</sub> reductions that are used in a facility-wide averaging plan cannot also be used in a trading plan.

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C. - C.3. ...

- a. rich-burn engines with a rating of less than 300 horsepower (Hp);
- b. lean-burn engines with a rating of less than 320 Hp in the Baton Rouge Nonattainment Area; and
- c. lean-burn engines with a rating of less than 1500 Hp in the Region of Influence;

C.4. - 20. ...

#### D. Emission Factors

1. The following table lists NO<sub>x</sub> emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

NO <sub>x</sub> Emission Factors		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 10 MW	0.20 pound/MMBtu
All Others	>= 10 MW	0.16 pound/MMBtu <sup>b</sup>
Stationary Internal Combustion Engines:		
Lean-burn (Region of Influence)	>= 1500 Hp	4g/Hp-hour
Lean-burn (Baton Rouge Nonattainment Area)	>= 320 Hp	4g/Hp-hour
Rich-burn	>= 300 Hp	2g/Hp-hour

<sup>a</sup> all factors are based on the higher heating value of the fuel.

<sup>b</sup> equivalent to 42 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu.

D.2. - 2.c. ...

3. For affected point sources in an electric power generating system, the emission factors from Subsection D of this Section shall apply as the mass of NO<sub>x</sub> emitted per unit of heat input (pound NO<sub>x</sub> per MMBtu), on a 30-day rolling average basis. Alternatively, a facility may choose to comply with a ton per day or a pound per hour cap provided that monitoring is installed, calibrated, maintained, and operated to demonstrate compliance with the cap. The cap for a facility or for multiple facilities under common control is calculated by adding the products of the factor from Paragraph D.1 of this Section and the average hourly heat input in MMBtu/hour (not to exceed any applicable permit limitations) based on the highest consecutive 30-day period during the ozone seasons of 2000 and 2001 for each affected point source as follows:

Equation D-1

$$Cap \text{ (tpd) } = 0.012 \times \sum_{i=1}^N (R_{li} \times HI_i)$$

Where:

HI<sub>i</sub> = the average hourly heat input based on the highest consecutive 30-day period during the ozone seasons of 2000 and 2001 of each point source (MMBtu/hour)

i = each point source included in the cap

N = the total number of point sources included in the cap

R<sub>li</sub> = the limit for each point source from Subsection D of this Section (pound NO<sub>x</sub>/MMBtu)

4. For all other affected point sources, the emission factors from Subsection D of this Section shall apply as the mass of NO<sub>x</sub> emitted per unit of heat input (pound NO<sub>x</sub> per MMBtu), on a 30-day rolling average basis. Alternatively, a facility may choose to comply with a cap as detailed in Paragraph D.3 of this Section provided a system, approved by the department, is installed, calibrated, maintained, and operated to demonstrate compliance.

D.5. - 9. ...

#### E. Alternative Plans

1. Facility-Wide Averaging Plan. A facility-wide averaging plan is established in this Chapter for single affected facilities and multiple affected facilities that are owned or operated by the same entity. For sources located within the Baton Rouge Nonattainment Area or the Region of Influence, an owner or operator of one or more affected facilities may use the facility-wide averaging plan as an alternative means of compliance with the emission factors from Subsection D of this Section. A request for approval to use a facility-wide averaging plan, that includes the details of the plan, shall be submitted to the department either separately or with the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. A facility-wide averaging plan submitted under this provision shall be approved if the department determines that it will provide emission reductions equivalent to or more than that required by the emission factors in Subsection D of this Section and the plan establishes satisfactory means for determining initial and continuous compliance, including appropriate monitoring and recordkeeping requirements. Approval of the alternative plans by the administrative authority does not necessarily indicate automatic approval by the administrator.

E.1.a. ...

b. An owner or operator of an electric power generating system that chooses to use an averaging plan shall demonstrate compliance by either of the following methods:

E.1.b.i. - ii. ...

c. Owners or operators of all other affected point sources that choose to use an averaging plan shall demonstrate compliance by either of the following methods:

i. operating such that each affected point source does not exceed its assigned individual limit in pound NO<sub>x</sub>/MMBtu on a 30-day rolling average basis; or

ii. complying with a cap as described in Paragraph D.3 of this Section, provided a system, approved

by the department, is installed, calibrated, maintained, and operated to demonstrate compliance with the cap.

E.1.d. - i. ...

2. Trading Plan. Trading is established in this Chapter as an alternate means of compliance with the emission factors from Subsection D of this Section. Within the Baton Rouge Nonattainment Area and the Region of Influence, trading allowances, as defined in Subsection B of this Section, may be traded between affected facilities owned by different companies in a manner consistent with LAC 33:III.617.C.3. The approval to use trading shall be requested in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. A trading plan submitted under this provision shall be approved if the department determines that it will provide NO<sub>x</sub> emission reductions equivalent to or more than that required by the emission factors of Subsection D of this Section and the plan establishes satisfactory means for determining ongoing compliance, including appropriate monitoring and recordkeeping requirements. Approval of trading plans by the administrative authority does not necessarily indicate automatic approval of the administrator.

F. - H.3.b.vi. ...

4. The owner or operator of stationary internal combustion engines that are subject to this Chapter shall demonstrate continuous compliance as follows:

H.4.a. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002).

James H. Brent, Ph.D.  
Assistant Secretary

0207#014

## RULE

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

#### Corrective Action Management Units (LAC 33:V.2601)(HW081\*)

Editor's Note: The following section of Rule HW081\* is being repromulgated to correct citations. The full text of this Rule can be viewed on pages 1190-1197 of the June 20, 2002 edition of the *Louisiana Register*.

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.109, 2601, 2602, 2603, 2605, and 2607 (Log #HW081\*).

This rule is identical to federal regulations found in 67 FR 2962, January 22, 2002, No. 14, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 765-0399 or Box 82178, Baton Rouge, LA 70884-2178. No fiscal or economic impact will result from the rule;

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therefore, the rule will be promulgated in accordance with R.S. 49:953.F.(3) and (4).

Corrective Action Management Units (CAMUs) are special units created under the Resource Conservation and Recovery Act (RCRA) to facilitate treatment, storage, and disposal of hazardous wastes managed for implementing cleanup, and to remove the disincentives to cleanup that the application of RCRA to these wastes can sometimes impose. The original CAMU regulations were promulgated on February 16, 1993. The state is adopting the federal amendments verbatim.

The previous LAC 33:V.2603.Temporary Units (TU) is moved to §2604. Text remains the same. In this rule §2603 is now titled "Corrective Action Management Units (CAMUs)." This rule amends the 1993 CAMU rule in six ways. It establishes a specific definition, distinct from the definition of remediation waste, to govern the types of wastes that are eligible for placement in CAMUs. More detailed minimum design and operating standards are established for CAMUs in which waste will remain after closure, with opportunities for the administrative authority of an authorized state to approve alternate design standards under certain circumstances. Treatment requirements are established for wastes that are placed in CAMUs, including minimum treatment standards, with opportunities to adjust treatment requirements under certain circumstances. More specific information is required for CAMU applications, and there shall be public notice and a reasonable opportunity for public comment before final CAMU determinations are made. New requirements are established for CAMUs that will be used only for treatment and storage. Certain types of existing CAMUs will be "grandfathered" and allowed to continue to operate under the 1993 rule. The rule also amends the regulations for "staging piles" to expressly allow for mixing, blending, and other similar physical operations intended to prepare wastes for subsequent management or treatment. It also adds a new provision allowing off-site placement of hazardous CAMU-eligible waste in hazardous waste landfills, if the waste is treated to meet CAMU treatment standards (somewhat modified). The basis and rationale for this rule are to mirror the federal regulations and to maintain state and federal equivalency in the RCRA program.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Waste and Hazardous Materials

##### Subpart 1. Department of Environmental Quality—

##### Hazardous Waste

#### Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

##### §2601. Applicability of Corrective Action Management Unit (CAMU) Regulations

A. Except as provided in Subsection B of this Section, CAMUs are subject to the requirements of LAC 33:V.2603.

B. CAMUs that were approved before April 22, 2002, or for which substantially complete applications (or equivalents) were submitted to the department on or before November 20, 2000, are subject to the requirements in LAC 33:V.2602 for grandfathered CAMUs. CAMU waste, activities, and design shall not be subject to the standards in LAC 33:V.2603, so long as the waste, activities, and design remain within the general scope of the CAMU as approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:285 (February 2000), amended LR 28:1580 (June 2002).

James H. Brent, Ph.D.  
Assistant Secretary

0207#040

## **RULE**

### **Office of the Governor Board of Architectural Examiners**

#### **Election of Nominees to Fill Vacancy (LAC 46:I.Chapter 4)**

Under the authority of R.S. 37:144.C and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners ("Board") has adopted LAC 46:I.Chapter 4 pertaining to the election of the nominees for the architectural members of the board to be appointed by the governor pursuant to R.S. 37:142.B. Act 231 of 2001 provided that these architectural members shall be appointed by the governor from a list of three nominees elected from each of the five districts established therein. This rule sets forth a procedure for the election of these three nominees.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part I. Architects**

#### **Chapter 4. Election of Nominees to Fill Vacancy**

##### **§401. Vacancy**

A. This Chapter concerns the election of the three nominees to be submitted to the governor for the filling of a vacancy on the board of one or more of the five architectural members to be appointed by the governor pursuant to R.S. 37:142.B. This Rule shall be applicable whether the vacancy occurs as a result of withdrawal, disability, death, completion of the term of appointment, or any other reason. This Rule shall not be applicable to the board members selected by the governor pursuant to R.S. 37:142.C or D.

B. If a vacancy occurs, or is about to occur, the executive director shall publish notice thereof in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10-day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall send a letter by certified mail to the director of the board indicating his or her intent to be a candidate, which letter shall be accompanied by a curriculum vitae and shall certify that, if elected, the architect will serve. The deadline for receipt of the certified letter shall be at least 20 calendar days subsequent to the publication of the last notice appearing in the official journal of the state. Confirmation of receipt shall be the sole responsibility of the candidate.

C. The board shall also provide notice of any vacancy to anyone who has requested same by certified mail within 90

days of the occurrence thereof. However, any failure to provide such notice shall not effect the results any election conducted to fill the vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1581 (July 2002).

##### **§403. Waiver of Election**

A. If three or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those three or fewer candidates shall be submitted to the governor without any further board action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1581 (July 2002).

##### **§405. Ballots**

A. If an election is necessary, an official ballot and an official return envelope shall be mailed to each licensed architect residing in Louisiana. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the date for the return of the ballots, and any other information or instructions the board believes may be helpful in the election process. Biographical information may be attached to the ballot.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §407.C are satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1581 (July 2002).

##### **§407. Voting**

A. All licensed architects residing in Louisiana shall have the right to vote in the election of nominees to fill the vacancy for any district. If nominees are being elected for more than one district, a licensed architect may choose to vote in one or more and less than all district elections, and no ballot shall be voided for that reason. However, any ballot containing more than three votes or fewer than three votes for candidates in any one district will be voided in its entirety. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided in its entirety.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C. The ballot shall not be valid unless:

1. the signature and license number appear on the return envelope; and

2. the return envelope is received by the board office on or before the deadline.

D. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided:

1. the signature and license number of the voting architect appear on the return envelope; and

2. the return envelope is received by the board office on or before the deadline.

E. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all licensed architects. Ballots received after the deadline shall not be counted.

F. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1581 (July 2002).

#### **§409. Tabulation**

A. Within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the governor and the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding paragraph would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;

2. count all ballots properly prepared; and

3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the governor and the candidates of the results.

C. The three candidates receiving the highest number of votes in each district shall have their name submitted to the governor as nominees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1582 (July 2002).

#### **§411. Tie**

A. In the event the three candidates receiving the highest number of votes cannot be determined because of a tie, a run-off election will be held. The only candidates in the run-off election will be those candidates who received the same number of votes so that the outcome of the election cannot be fully determined.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each licensed architect residing in Louisiana approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §405, except only the names of and the information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person or persons elected as nominees, and for tabulating votes set forth elsewhere in this rule shall be applicable.

E. In the event the run-off election does not decide the three candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1582 (July 2002).

#### **§413. Vacancy**

A. If a vacancy of person elected as nominee occurs with respect to a person elected as a nominee, that vacancy shall be filled in the following manner. The executive director shall give notice of the vacancy to all of the other candidates in that district and to anyone who has requested notice of any such vacancy in writing by certified mail within 90 days of the election; however, any failure to provide such notice shall not effect any election conducted subsequently held to fill the vacancy. The executive director shall also publish notice of the vacancy in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10-day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall advise the board in writing before the deadline determined by the president, and may contain other information. If more than one person seeks election as the nominee, the board will call another election to fill that vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1582 (July 2002).

#### **§415. Election Contest**

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding paragraph, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election is not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots

until the contest is concluded, after which the executive director shall destroy the ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 28:1582 (July 2002).

Mary "Teeny" Simmons  
Executive Director

0207#015

## **RULE**

### **Office of the Governor Division of Administration Office of Information Technology**

Information Technology  
(LAC 4:XI.101, 301, 303, 501 and 503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and in order to comply with the legislative mandate of Act 772 of the 2001 Regular Session of the Louisiana Legislature, the Office of the Governor, Division of Administration, Office of Information Technology (OIT), has promulgated Rules and Regulations relative to information technology initiatives.

#### **Title 4**

#### **ADMINISTRATION**

#### **Part XI. Information Technology**

#### **Chapter 1. General Provisions**

##### **§101. General**

A. Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:15.1-6 in Act 772 of the 2001 Regular Session, the Chief Information Officer (CIO) and the Office of Information Technology (OIT) was established to manage and direct the following information technology initiatives:

1. overseeing and implementing a state master information technology plan;
2. establishing/directing the implementation of IT standards, architecture, and guidelines for hardware and software systems, contractual arrangements, consolidation of services, and system management;
3. reviewing, coordinating, and standardizing IT planning, procurement, and budgeting;
4. implementing strategic IT planning, review, and operation;
5. measuring and assessing the performance of IT systems, including the creation of benchmarks and the establishment of accountability;
6. overseeing/coordinating the centralization of technology, including consolidation, outsourcing, and sharing statewide government IT resources and services;
7. assuring compatibility and connectivity of Louisiana's information systems;
8. facilitating and fostering innovative emerging technologies that provide cost-effective solutions for government operation;
9. reviewing/overseeing IT projects and systems for compliance with statewide strategies, goals, and standards;

10. ensuring that statewide IT applications are not duplicated by individual state agencies in the executive branch;

11. facilitating/fostering the identification of state data policy and planning needs; and

12. charging respective user agencies for the cost of IT services provided by OIT.

AUTHORITY NOTE: Promulgated in accordance with Act 772 of the 2001 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002).

#### **Chapter 3. State Agencies Responsibilities**

##### **§301. General**

A. All agencies under the authority of Act 772 must comply with the policies and guidelines promulgated by the Office of Information Technology.

AUTHORITY NOTE: Promulgated in accordance with Act 772 of the 2001 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002).

##### **§303. Information Technology Coordination**

A. All departments shall designate one representative to serve as the Information Technology Coordinator, unless otherwise approved by the CIO. The Information Technology Coordinator shall be recognized by the Office of Information Technology as the agency's authorized representative for coordinating with OIT.

AUTHORITY NOTE: Promulgated in accordance with Act 772 of the 2001 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002).

#### **Chapter 5. Policy and Guidelines**

##### **§501. General**

A. It is the intent of the Office of Information Technology to develop formal IT policies, standards and guidelines relative to information technology activities including but not limited to the following:

1. implementing of IT standards for hardware, software, and consolidation of services;
2. reviewing and coordinating IT planning, procurement, and budgeting;
3. providing oversight for centralization/consolidation of technology initiatives and the sharing of IT resources;
4. assuring compatibility and connectivity of Louisiana's information systems;
5. providing oversight on IT projects and systems for compliance with statewide strategies, goals, and standards.

B. The policies, standards and guidelines of the Office of Information Technology will be promulgated via Information Technology Bulletins.

AUTHORITY NOTE: Promulgated in accordance with Act 772 of the 2001 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002).

##### **§503. Policy Distribution**

A. The official method of publishing/distributing OIT policies, standards and guidelines will be via the OIT website at: [www.doa.state.la.us/oit](http://www.doa.state.la.us/oit).



B. Other electronic delivery systems will be utilized as appropriate to notify agencies of adopted policies and guidelines.

**AUTHORITY NOTE:** Promulgated in accordance with Act 772 of the 2001 Regular Session of the Louisiana Legislature.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002).

Chad McGee  
Acting Chief Information Officer

0207#037

## **RULE**

### **Office of the Governor Ground Water Management Commission**

Ground Water Management (LAC 33:IX.Chapters 31-35)

Editor's Note: In accordance with OSR uniform formatting procedure, these rules have been moved from Title 70 to Title 33 for topical placement.

Pursuant to the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., as amended, on May 18, 2001, the Ground Water Management Commission (Commission) approved the subject rule for hearing regarding the designation of Critical Ground Water Areas on March 20, 2002 in accordance with R.S. 38:3099. R.S. 38:3099 states that the commission shall develop and promulgate rules and regulations for the determination of critical ground water areas and possible limitation of access to ground water sources and response to emergency situations. Failure to designate and protect critical ground water areas may endanger drinking water, as well as the ability of industry and agriculture to utilize these fresh water aquifers for commercial purposes. R.S. 38:3099 specifically requires that public hearings be held in such matters and the attached rule provide the mechanism to meet that requirement.

#### **Title 33**

#### **ENVIRONMENTAL QUALITY**

#### **Part IX. Water Quality**

#### **Subpart 2. Groundwater Management**

#### **Chapter 31. General Provisions**

##### **§3101. Applicability**

A. These Rules shall be applicable to hearings relative to the commission's jurisdiction to determine critical groundwater areas, potential critical ground water areas and a ground water emergency. The Rules shall not alter or change the right of the commission to call a hearing for the purpose of taking action with respect to any matter within its jurisdiction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3099 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002).

##### **§3103. Definitions**

A. The words defined herein shall have the following meanings when used in these Rules. All other words used and not defined shall have their usual meanings unless specifically defined in Title 38 of the Louisiana Revised Statutes.

**Beneficial Purpose or Beneficial Use** Cthe technologically feasible use of ground water for domestic, municipal, industrial, agricultural, recreational or therapeutic purposes or any other advantageous use.

**Commission** CGround Water Management Commission authorized by R.S. 38:3099.3.A.

**Critical Ground Water Area (CGWA)** Can area where sustainability of an aquifer is not being maintained under current or projected usage or under normal environmental conditions which are causing a serious adverse impact to an aquifer.

**Ground Water** Cwater suitable for any beneficial purpose percolating below the earth's surface, including water suitable for domestic use, supply of a public water system or containing fewer than 10,000 mg/l total dissolved solids.

**Ground Water Emergency** Cshall mean an unanticipated occurrence as a result of a natural force or a man-made act which causes either the depletion of a ground water source or a lack of access to a ground water source or the likelihood of excessive pumping from a ground water source.

**Person** Cany natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind, or any governmental entity.

**Potential Critical Ground Water Area** Ca ground water area where drilling of new well(s) or pumpage at current rates could result in creation of a CGWA.

**Sustainability** Cthe development and use of ground water in a manner that can be maintained for the present and future time without causing unacceptable environmental, economic, social, or health consequences.

**User** Cany person making any beneficial use of ground water from a well or wells owned or operated by such person or from a well or wells owned or operated solely for the production of water used by such person.

**Well or Water Well** Cany well drilled or constructed for the principal purpose of producing ground water.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3099 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002).

#### **Chapter 33. Application Procedure**

##### **§3301. Who May Apply**

A. Any person owning property, a water well or utilizing water from an aquifer within the jurisdiction of the commission shall have the right to file an application with the commission calling for a public hearing relative to said aquifer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3099 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002).

##### **§3303. Notice of Intent**

A. A Notice of Intent to file an application will be published in the official parish journals. Such notice will include:

1. name, address, and telephone number;
2. a brief description of the subject matter of the proposed application;

3. a brief description of location including parish, section, township, range, and a map which shall be sufficiently clear to readily identify the location of the proposed CGWA;

4. a statement that, if the area is designated a CGWA, ground water use may be restricted;

5. a statement that all comments should be sent to:

Commissioner of Conservation

Post Office Box 94275

Baton Rouge, LA 70804-9275

ATTN: Groundwater Management Commission Staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002).

### **§3305. Application**

A. Application for Hearing. The application shall be filed in duplicate no sooner than 30 days and no later than 60 days after publication of the Notice of Intent. The application must include:

1. the name, address, telephone number, and signature of applicant;

2. a statement identifying the applicant's interest which is or may be affected by the subject matter of the application;

3. identification of the source of ground water (aquifer) to which the application applies;

4. identification of the proposed critical ground water area, including its location (section, township, range and parish) and U.S. Geological Survey topographic map of appropriate scale (1:24,000, 1:62,500, 1:100,000, or LA - DOTD Louisiana parish map outlining the perimeter of the area). Submittal of digital data is recommended. Digital map data in vector and/or raster formats should have supporting metadata;

5. statement of facts and evidence supporting the application, pursuant to §3307, and a statement on how no action would likely impact ground water resources in the area subject to request;

6. the original published page from the official parish journal evidencing publication of Notice of Intent to apply to the Ground Water Management Commission.

B. Application by Commission. The commission may initiate a hearing to consider action with respect to a specific ground water area. The commission shall notify the public pursuant to §3303 and §3501.A prior to issuing an order. The information presented by the commission at the hearing shall include but not be limited to information pursuant to §3305.A and §3307.

C. Ground Water Emergency. Notwithstanding the provisions of Paragraphs A and B hereof, the commission may initiate action in response to an application of an interested party or upon its own motion in response to a ground water emergency. Subsequent to adoption of a proposed emergency order that shall include designation of a critical ground water area and/or adoption of a emergency management plan for an affected aquifer, the commission will promptly schedule a public hearing pursuant to §3501.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002).

### **§3307. Criteria for a Critical Ground Water**

#### **Designation**

A. Application for designation of a critical ground water area or potential critical ground water area must contain a statement of facts and supporting evidence substantiating that at least one of the following criteria applies to the source of ground water (aquifer) within such proposed area:

1. water levels in the source of ground water show declines that will render such source inadequate for current or immediate future demands without some action being taken; and/or

2. concentrations of chlorides, total dissolved solids (TDS) or other impurities that will render the source of ground water unsuitable for domestic use have shown annual increases that will render such source unsuitable for current or immediate future demands without some action being taken; and/or

3. overall withdrawals annually have exceeded the recharge of the source of ground water that will render the source inadequate for current or immediate future demands without some action being taken.

B. Applicant shall also submit recommendations regarding the critical ground water area including but not be limited to the following:

1. the designation of the critical ground water area boundaries; and

2. the recommended management controls of the critical ground water area, that may include but not be limited to:

a. restrictions on the amount of withdrawals by any and/or all users in accordance with R.S. 38:3099.3.D;

b. requiring new permits for the drilling of new water wells including but not limited to:

i. spacing restrictions; and/or

ii. depth restrictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002).

### **§3309. Commission Review**

A. Within 30 days of receipt of an application pursuant to §3305.A, the applicant will be notified whether or not the application is complete. If the commission determines an application is incomplete, the applicant shall be notified in writing of the reasons for that determination and the information needed to make such application complete. The commission may reject and return any application determined to be without merit or frivolous.

B. Using all available data presented to the commission, an analysis will be made by the commission to determine if the area under consideration meets the criteria to be designated a critical ground water area or could become a critical ground water area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002).

### **§3311. Recordkeeping**

A. The commission shall compile and maintain at the Office of Conservation a record of all public documents relating to any application, hearing, or decision filed with or by the commission. The commission shall make records available for public inspection free of charge and provide copies at a reasonable cost during all normal business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002).

## **Chapter 35. Hearing**

### **§3501. Notice Of Hearing**

A. Hearing Pursuant to §3305.A or §3305.B. Upon determination that an application is complete the commission shall schedule one initial public hearing at a location determined by the commission in the locality of the area affected by the application. Notice of the hearing shall contain the date, time and location of the hearing and the location of materials available for public inspection. Such notice shall be published in the official state journal and official parish journal of each parish affected by the application at least 30 calendar days before the date of such hearing. A copy of the notice shall be sent to the applicant, any person requesting notice, and local, state and federal agencies that the commission determines may have an interest in the decision relating to the application.

B. Hearing Pursuant to §3305.C and §3505.B. The commission will notify the public of any hearing initiated by the commission either as a result of an action, pursuant to §3305.C or §3505.B, a minimum of 15 days prior to the hearing. Hearings initiated by the commission will be held in each parish affected by the commission's action under §3305.C or §3505.B. Notice of the hearing shall contain the date, time and location of the hearing and the location of materials available for public inspection. Such notice shall be published in the official state journal and official parish journal of each parish affected by the commission's petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002).

### **§3503. Rules of Conduct**

A. Hearings scheduled pursuant to those rules will be fact-finding in nature and witnesses shall not be subject to cross-examination. The chairman of the commission, or a designee, shall serve as presiding officer, and shall have the discretion to establish reasonable limits upon the time allowed for statements. The applicant shall first present all relative information supporting their proposal followed by testimony and/or evidence from local, state and federal agencies and others. All interested parties shall be permitted to appear and present testimony, either in person or by their representatives. All hearings shall be recorded verbatim. Copies of the transcript shall be available for public inspection at the Office of Conservation. The testimony and all evidence received shall be made part of the administrative record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002).

### **§3505. Decision**

A Commission Decisions. After hearings held pursuant to §3501.A or §3305.C, the commission shall issue a written decision in the form of an order based on scientifically sound data gathered from the application, the participants in the public hearing, and any other relevant information. The order shall contain a statement of findings, and shall include but shall not be limited to:

1. the designation of the critical ground water area boundaries; and/or

2. the recommended management controls of the critical ground water area, that may include but not be limited to:

- a. restrictions on the amount of withdrawals by any and/or all users in accordance with R.S. 38:3099.3.D;

- b. requiring new permits for the drilling of new water wells including but not limited to:

- i. spacing restrictions; and/or
- ii. depth restrictions.

B. The commission will make the order and proposed management controls available to the applicant, participants in the original application hearing and any other persons requesting a copy thereof. The commission in accordance with §3501.B will initiate hearings on the order and proposed management controls in each parish affected by said order and management controls.

C. Final Orders. The commission will adopt final orders and management controls after completion of §3501.B. The final orders shall be made a part of the permanent records of the commission in accordance with §3311 and shall be made available to the public upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002).

Karen K Gautreaux  
Chairperson

0207#030

## **RULE**

### **Office of the Governor Used Motor Vehicle and Parts Commission**

Rent with Option-to-Purchase Program,  
Identification Cards, Register of Business Transactions  
and Service Contracts  
(LAC 46:V.3001, 3003, 3503, 3901, 4101, and 4103)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with Revised Statutes Title 32, Chapters 4.A and 4.B, the Office of the Governor, Used Motor Vehicle and Parts Commission, the Used Motor Vehicle and Parts Commission has adopted rules and regulations governing rent with option-to-purchase programs on used motor vehicles and amends sections of existing rules and regulations regarding identification cards,

buyer's identification cards and business transactions. The Used Motor Vehicle and Parts Commission has repealed sections regarding vehicle service contracts.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part V. Automotive Industry**

#### **Subpart 2. Used Motor Vehicle and Parts Commission**

#### **Chapter 30. Rent With Option-to-Purchase Program**

##### **§3001. Definitions**

**Consummation**—the time a renter becomes contractually obligated on a vehicle *rental purchase agreement*.

**Processing Fee**—those administrative fees that a *rental dealer* may charge to *rental consumer* to initiate a *rental purchase agreement*, however designated.

**Rental Consumer**—a natural person who rents with an option-to-purchase a used motor vehicle under a vehicle rent with option-to-purchase agreement.

**Rental Dealer**—a person who regularly provides used motor vehicles under a vehicle rent with option-to-purchase agreement.

**Rental Purchase Agreement**—a vehicle rent with option-to-purchase agreement for the rent of a used motor vehicle by a *rental dealer* in favor of a *rental consumer*, for personal, family or household purposes for a period of not less than twelve months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773.B.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1587 (July 2002).

##### **§3003. Provisions Required in all Rental Purchase Agreements**

A. All such contracts shall be made in clear and conspicuous language.

B. All such contracts be in writing, a copy of which shall be delivered to the *rental consumer*.

C. Condition Report. A condition report which sets forth in detail the physical condition and appearance of the vehicle prior to rental shall be completed and signed by both the *rental dealer* and the *rental consumer*.

D. Every *rental purchase agreement* shall contain language substantially equivalent to the following:

1. a provision indicating the description of the vehicle rented, particularly to the year, make, model, vehicle identification number, color and odometer reading;

2. a provision itemizing all costs relative to detail, delivery and/or destination of the vehicle, which shall not exceed the sum of \$150;

3. an itemization of the *processing fee* charged by the *rental dealer*, if any, which shall not exceed the sum of \$150;

4. security deposit. A provision indicating the amount of the security deposit required by the *rental dealer* and the conditions under which the said security deposit shall be refundable or non-refundable; however, no security deposit shall exceed the value of the vehicle as reflected by any used motor vehicle national reference guide;

5. mechanical repairs. A provision that the *rental dealer* cannot add repair costs to the *rental purchase agreement*. Further, that the *rental dealer* shall warrant the powertrain of the motor vehicle for any defects which

existed at the time of sale for a period of 30 days or 1,000 miles, whichever is the lesser;

6. a provision offering to the *rental consumer* the right to secure a warranty, if one is available, for the used motor vehicle and the price of such warranty, and the cost of any deductible under the warranty;

7. a provision setting for the total amount of payments due, the number of total periodic payments and the amount of each such periodic payment;

8. a provision indicating whether the title transfer and licensing fees are included in the payments charged at *consummation* by the *rental dealer* or is to be considered additional charges;

9. a provision indicating whether a late payment is due from the *rental consumer* after a certain date selected for periodic payment, the amount of which payment shall not exceed the sum of \$50 or 10 percent of the monthly payment price, whichever is less;

10. a provision indicating whether a reinstatement fee shall be required in the event that the *rental consumer* fails to make timely rental payments and desires to reinstate the *rental purchase agreement*, which reinstatement fee shall not exceed the sum of \$50 plus any legitimate recovery fees or expenses;

11. a provision indicating whether the *rental consumer* is liable for loss or damage to the rental property and, if so, the maximum amount for which the *rental consumer* may be liable;

12. a provision containing the rights of *rental consumer* to terminate the *rental purchase agreement* and the consequences of such termination, if any;

13. a provision regarding the maintenance and repair of the rental property during the rental term and whether the *rental consumer* is responsible for such repairs absent the purchase of a warranty;

14. a provision indicating whether the *rental consumer* is required to secure automobile liability insurance from a licensed insurance agent in the state of Louisiana, and the minimum limits required by the *rental dealer* for both bodily injury and property damage, which, in any event, shall not be less than the minimum limits required by state law.

E. Every *rental purchase agreement* shall be signed by the *rental consumer* and an authorized representative of the *rental dealer*.

F. A *rental purchase agreement* may not contain a provision:

1. requiring a confession of judgment; and

2. authorizing a *rental dealer* or an agent of the *rental dealer* to commit a breach of the peace in the repossession of rental property or to take repossession of the rental property in any manner other than what is permitted in R.S. 14:220.

G. Every *rental dealer* must maintain a contingent automobile liability policy of insurance with minimum limits of \$100,000 per occurrence, \$300,000 aggregate and \$50,000 in property damage. It shall not be sufficient for any *rental dealer* to share in a policy of insurance which could, under any circumstance, create a limit of less than that set forth herein. Such policy shall be placed, if available, through an insurance company licensed by and admitted in the state of Louisiana.

H. A used motor vehicle dealer shall not rent with an option-to-purchase a used motor vehicle that has a recorded

lien on file. The lien must be removed through the Office of Motor Vehicles prior to placing the used motor vehicle in the rental program.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:773.B.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1587 (July 2002).

## **Chapter 35. Buyer Identification Card**

### **§3503. Qualifications and Eligibility for Buyer**

#### **Identification Card**

A. - A.2. ...

B. The buyer's identification card shall include the name, address, driver's license number, any one of the aforementioned dealers' license numbers, physical description, and signature of the applicant and the name and address of the employer of the applicant. The buyer's identification number to be prefixed with BI, followed by a four-digit number, then the current year (BI-0000-89). Cards obtained for the buyers will be \$25 each for Louisiana resident and \$200 each for out-of-state resident. Out-of-state buyers must provide proof that they are a licensed used motor vehicle dealer, auto recycler, auto dismantler or employee thereof. A smaller identification card will be issued to all buyers that will consist of individual's name, driver's license number, social security number, dealership name, dealer number, salesman number, photograph and the individual's signature. This card must be carried with the individual and produced on demand while conducting the business for which this license has been issued. Applicants may provide a copy of the license. However, if the commission has reasonable cause to suspect that the copy is a forgery or inaccurate, then the commission may require the applicant to produce a certified copy of the license.

C. The buyer's identification card shall be carried upon the cardholder's person and same displayed to owner, manager, or person in charge of any salvage pool or salvage disposal sale, representative of the commission or any identifiable law enforcement agent of the state, city or municipality. The buyer's identification card is not transferable or assignable. Physical description and signature of cardholder must be compared with cardholder's driver's license for valid identification by owner, manager, or person in charge of any salvage pool or salvage disposal sale. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

1. Each buyer's identification cardholder may be accompanied to any salvage pool or salvage disposal sale by a mechanic or other technical expert of his choice, prior to the actual sale. At the time of the actual bidding, only valid bid cardholders shall be present.

2. A technical expert is one who is knowledgeable in a specialized field, that knowledge being obtained from either education or personal experience, regarding a subject matter about which persons having no particular training are incapable of forming an accurate opinion or making a correct deduction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:762.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:259 (April 1989), LR 15:1058 (December 1989), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1588 (July 2002).

## **Chapter 39. Business Transactions**

### **§3901. Register of Business Transactions**

A. Every used motor vehicle dealer and automotive dismantler and parts recycler shall keep a register and/or records of all purchases and sales of motor vehicles for three years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such records shall include all titles, bills of sale, temporary tag books, monthly sales reports, consignment agreements, and inventory and parts records. A salvage pool or salvage disposal sale must maintain a register of all purchases and sales of motor vehicles for three years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such registers shall include all titles. The salvage pool or salvage disposal sale may maintain its records electronically.

B. Such registers and/or records shall be made available for inspection by the Used Motor Vehicle and Parts Commission representatives or identified law enforcement officers of the state, parish and municipality where the business of the used motor vehicle dealer, automotive dismantler and parts recyclers, salvage pool or salvage disposal sale is located, during reasonable business hours or business days.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:757.A-B.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1588 (July 2002).

## **Chapter 41. Condition of Sale of a Motor Vehicle**

### **§4101. Vehicle Service Contracts**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:772.F.(3).

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:466 (June 1989), repealed by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1588 (July 2002).

### **§4103. Sale and Marketing of Motor Vehicle Performance Warranty Contracts**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:774.1.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:466 (June 1989), repealed by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:1588 (July 2002).

John M. Torrance  
Executive Director

0207#013

## RULE

### Department of Health and Hospitals Board of Medical Examiners

#### Integrative and Complementary Medicine (LAC 46:XLV.Chapter 71)

In accordance with R.S. 49:953, the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and particularly R.S. 37:1270(B), has adopted rules governing the utilization of integrative or complementary medicine, LAC 46:XLV, Subpart 3, Chapter 71, §§7101-7111. The rules are set forth below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

##### Subpart 3. Practice

#### Chapter 71. Integrative And Complementary Medicine

##### Subchapter A. General Provisions

##### §7101. Scope of Chapter

A. The rules of this Chapter govern physician use of integrative or complementary medicine in the treatment of patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1589 (July 2002).

##### §7103. Definitions

A. As used in this Chapter, unless the content clearly states otherwise, the following terms and phrases shall have the meanings specified.

**Board** the Louisiana State Board of Medical Examiners.

**Controlled Substance** any substance defined, enumerated or included in federal or state regulations or statute 21 CFR 1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations or statute.

**Conventional or Conventional Medicine** diagnostic methods or therapies offered or employed by a physician, or under his on-site supervision and direction, in the diagnosis, prevention or treatment of any illness, disease or condition which are generally accepted and recognized as falling within the standard of care in the course of medical practice based upon medical training, experience and peer reviewed scientific literature.

**Integrative or Complementary Medicine** diagnostic methods or therapies offered or employed by a physician, or under his on-site supervision and direction, in addition or as an alternative to conventional medicine methods or therapies, in the diagnosis, prevention or treatment of any illness, disease or condition which do not, in the judgment of the physician, pose a safety risk for a patient that is greater than conventional medicine methods or therapies and provided there exists a reasonable probability for diagnostic or therapeutic effectiveness in its intended use. Integrative or complementary medicine does not include the use of

controlled substances in the treatment of patients suffering from chemical dependency.

**On-Site Supervision and Direction** medical functions or procedures performed under physician supervision and direction by an appropriately trained and qualified non-physician in the course and scope of his or her employment or contractual relationship with a physician, when such physician is physically present on the premises at all times that such non-physician is on duty and retains full responsibility to patients and the board for the manner and results of all services rendered. On-site supervision and direction shall not be construed under any circumstances to permit a non-physician to act independently of a physician or exercise independent medical judgment in rendering a diagnosis, prescribing medication or in implementing modalities of diagnosis or treatment.

**Physician** a person possessing a current license issued by the board to practice medicine in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1589 (July 2002).

##### §7105. General Conditions/Prohibitions

A. The use of integrative or complementary medicine for the diagnosis or treatment of any illness, disease or condition, constitutes legitimate medical therapy when provided in the course of professional medical practice, complies with the standard of care applicable to conventional medicine practitioners, and when fully documented in the patient's medical record. Any physician utilizing integrative or complementary medicine shall do so in strict compliance with the rules enumerated in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1589 (July 2002).

##### §7107. Use of Integrative or Complementary Medicine; Limitations

A. Requisite Prior Conditions. Any physician offering or utilizing integrative or complementary medicine shall comply with the following rules.

1. Evaluation of the Patient. Prior to offering integrative or complementary medicine a physician shall perform an evaluation of the patient that shall include but not be limited to any conventional methods of diagnosis which, in the judgment of the physician, are deemed necessary or appropriate to the condition of the patient. Such an evaluation shall include:

- a relevant medical history;
- an appropriate physical examination; and
- a review of the results of any relevant diagnostic studies or therapies undertaken or previously attempted.

2. Medical Diagnosis. A medical diagnosis shall be established by the physician and documented in the patient's medical record, which indicates the nature of the patient's illness, disease, condition or other reason for which treatment is being sought if such is determinable.

3. Treatment Plan. A treatment plan by which progress or success can be evaluated with stated objectives shall be formulated by the physician which is tailored to the

individual needs of the patient and documented in the patient's medical record. Such plan shall include documentation of:

a. whether conventional or complementary methods of diagnosis or treatment for the current complaint or condition have been considered, are being undertaken or have been attempted without adequate or reasonable success or a statement that the patient has refused such methods;

b. consideration for the need for conventional testing, consultation, referral or treatment when indicated;

c. the intended role of integrative or complementary medicine within the overall plan; and

d. whether integrative or complementary medicine offered or utilized could interfere with any ongoing conventional therapy.

4. Informed Consent. A physician shall inform a patient or his guardian of each of the following, which discussions shall be noted in some form in the patient's record:

a. his education, experience and credentials regarding any integrative or complementary medicine which is recommended; and

b. the risks and benefits of both conventional medicine and integrative or complementary medicine incorporated within each treatment plan.

B. A physician shall inform the patient that his recommendation for the use of a particular drug, substance or medical device for diagnosis or treatment of the patient's illness, disease or condition is investigational, experimental, new, unconventional or unproven.

C. Initiation of Integrative or Complementary Medicine. Upon completion and satisfaction of the conditions prescribed in §7107.A.-B, and upon a physician's judgment that integrative or complementary medicine is warranted for purposes of diagnosis or treatment, a physician shall adhere to the following rules.

1. Assessment of Treatment Efficacy and Monitoring. Patients shall be seen by the physician at intervals appropriate to the danger or safety risk of the diagnostic methods or therapy provided, to assess the efficacy thereof, assure that all treatment recommended or prescribed remains indicated and evaluate the patient's progress toward treatment objectives and any adverse effects. During each visit attention should be given to the need for additional methods of diagnosis, consultation, referral or treatment. Lack of progress from integrative or complementary medicine therapy, or a worsening of symptoms, signs or prognosis, shall indicate the need to revise the treatment plan.

2. Consultation. Physicians shall refer a patient as necessary for additional evaluation or treatment by conventional or integrative or complementary methods, particularly in those patients who are at risk from a potentially life-threatening illness, disease or condition.

3. Medication/Medical Devices Employed. A physician shall document in the patient's medical record the medical rationale for the use of any medication or substance, including a controlled substance, and any medical device employed in the diagnosis or treatment of a patient's illness, disease or condition. The use of controlled substances for the treatment of obesity and chronic or intractable pain shall be

in conformity with §6901 et seq. and §6915 et seq., respectively, of the board's rules.

4. Treatment Records. A physician shall document and maintain in the patient's medical record, accurate and complete records of history, physical and other examinations and diagnostic evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, medications, including controlled substances, informed consents, periodic assessments and the results of all conventional and integrative or complementary medicine therapies utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1589 (July 2002).

#### **§7109. Effect of Violation**

A. Any violation or failure of compliance with the provisions of this Chapter, shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30) respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with RS. 37:1270(A)(1), R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1590 (July 2002).

### **Subchapter B. Integrative or Complementary Medicine Advisory Committee**

#### **§7111. Organization, Authority and Responsibilities**

A. Constitution. An Integrative and Complementary Medicine Advisory Committee (the "advisory committee") to the board is hereby constituted to be composed, appointed and to have such functions as hereinafter provided.

B. Composition and Qualifications. The advisory committee shall be comprised of up to five physicians each of whom shall be in good standing with the board, have practiced and resided within the state of Louisiana for not less than one year, possess experience in and have specialized in integrative or complementary medicine for not less than three years.

C. Appointment; Term of Service. Of the board's initial appointments, two members of the advisory committee will be appointed to serve terms expiring on the last day of the year of appointment with the remaining members to serve terms expiring on the last day of the year succeeding the year of appointment. Thereafter, each member of the advisory committee shall serve a term of two years or until his or her successor is appointed. Advisory committee members shall be eligible for reappointment. All members of the advisory committee shall serve and be subject to removal at any time at the pleasure of the board. Members appointed to the advisory committee to fill a vacancy occurring other than by expiration of the designated term shall serve for the unexpired term. Other than the initial appointments provided for herein, board appointments to the advisory committee shall be effective when made with respect to appointments

for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment.

D. Functions and Responsibilities of the Committee. The advisory committee is responsible and authorized by the board to:

1. provide advice and recommendations to the board respecting the modification, amendment and supplementation of rules and regulations, standards of care and policies and procedures respecting integrative or complementary medicine;

2. advise, assist and provide the board with such information and expertise as it may request and upon which it may rely, with respect to investigative and/or disciplinary proceedings affecting physicians utilizing integrative or complementary medicine;

3. serve as a liaison between the board and physicians practicing integrative or complementary medicine;

4. perform such other functions and provide such additional advice and recommendations as may be requested by the board; and

5. receive reimbursement for attendance at board meetings and for other expenses when specifically authorized by the board.

E. Confidentiality. In discharging the functions authorized under §7111, the advisory committee and the individual members thereof, when acting within the scope of such authority, shall be deemed agents of the board. All information obtained by the advisory committee members pursuant to §7111.D of this Chapter or otherwise shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, its employees or agents, any information or documents obtained when acting as agents of the board without first obtaining written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners LR 28:1590 (July 2002).

John B. Bobear, M.D.  
Executive Director

0207#009

## **RULE**

### **Department of Health and Hospitals Office of Public Health**

#### **Onsite Wastewater ProgramC Lot Size Clarification**

In accordance with provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has amended Chapter XIII Section 13:011-2(7) of the Louisiana Sanitary Code, pursuant to R.S. 40:4, as amended by Acts 1978, No. 786; Acts 1982, No. 619; Acts 1986, No. 885; Acts 1988, No. 942. The amendment to this portion of the Louisiana Sanitary Code is necessary in order to clarify the intent of lot size restrictions.

The revision to Chapter XIII is as follows.

## **Louisiana State Sanitary Code Chapter XIII Sewage Disposal**

### **13:011-2 Community Sewerage System Required**

13:011-2. 1-6.c. ...

7. Where lots of "record" (i.e., lots created by formal subdivision prior to July 28, 1967) are combined (in accord with the definition of a subdivision) to create a new, larger, single lot, and no re-subdivision of the property is involved. On July 20, 2002 and thereafter, in no case shall the newly created lots have less than 50 feet of frontage or be less than 5000 square feet in area.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Office of Public Health, LR 10:802 (October 1984); amended LR 11:1086 (November 1985); LR 19:49 (January 1993); LR 28:1591 (July 2002).

David W. Hood  
Secretary

0207#046

## **RULE**

### **Department of Health and Hospitals Office of Public Health**

#### **Sanitary CodeC Commercial Seafood Inspection Program**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, has amended Chapter IX Chapter 9:051-1, 9:051-1-A, 9:051-1-F, 9:051-1-F-2, defining Post-Harvest Treatment Process (9:001), and created 9:052-3-F which adopts the Post-Harvest Processing requirements of the National Shellfish Sanitation Program (NSSP) to Chapter IX of the Louisiana State Sanitary Code. These changes are needed in order for this state to comply with the latest recommendations of the National Shellfish Sanitation Program as required by R.S. 40:5.3.

The revisions to Chapter IX are as follows.

## **Louisiana State Sanitary Code**

### **Chapter IX. Commercial Seafood Inspection Program 9:001 Definitions**

Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

\* \* \*?

*Post-Harvest Processing*Ca treatment process approved by the Louisiana Department of Health and Hospitals Office of Public Health by which oysters are treated to reduce levels of *Vibrio vulnificus* and/or *Vibrio parahaemolyticus* and/or other specified pathogens to non-detectable levels.

\* \* \*

#### **9:051-1**

The initial tagging of the shell-stock shall be performed by the harvester before the shell-stock are removed from the harvester's boat. In the event that shell-stock are harvested



from more than one growing area on a given day, the shell-stock shall be sacked and tagged before leaving from the growing area from which the shell-stock was harvested. The harvester's tags shall contain legible information as follows:

**9:051-1-A**

A place shall be provided where the dealer's name, address, certification number assigned by the Office of Public Health, Seafood Sanitation Program and the original shell-stock shipper's number if different.

**9:051-1-B**

The harvester's identification number assigned by the Department of Wildlife and Fisheries;

**9:051-1-C**

The date of harvesting;

**9:051-1-D**

The most precise identification of the harvest site or aquaculture location as practicable;

**9:051-1-E**

Type and quantity of shellfish; and

**9:051-1-F**

The following additional statements or their equivalent as approved by the state authority shall appear on each tag in bold capitalized letters:

**9:051-1-F-1**

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

**9:051-1-F-2** Delete the following paragraph and re-number 9:051-F-3 to 9:051-F-2 and retain same language.

THIS PRODUCT SHOULD NOT BE CONSUMED RAW AFTER 14 DAYS FROM THE DATE OF HARVEST; BEYOND THIS 14-DAY PERIOD, THIS PRODUCT SHOULD BE THOROUGHLY COOKED.

**9:051-F-2**

AS IS THE CASE WITH CONSUMING OTHER RAW ANIMAL PROTEIN PRODUCTS, THERE IS A RISK ASSOCIATED WITH CONSUMING RAW OYSTERS, CLAIMS AND MUSSELS. IF YOU SUFFER FROM CHRONIC ILLNESS OF THE LIVER, STOMACH, OR BLOOD OR HAVE IMMUNE DISORDERS, DO NOT EAT THESE PRODUCTS RAW. RETAILERS PLEASE ADVISE CUSTOMERS. (Repromulgated 02/20/91 and 05/20/93 and 08/20/95)

**9:052-3-F-Post-Harvest Processing**

(A) If a dealer elects to use a process to reduce the level(s) of one target pathogen or some target pathogens, or all pathogens of public health concern in shellfish, the dealer shall:

(1) Have a Hazard Analysis Critical Control Point (HACCP) plan approved by the Authority for the process that ensures that the target pathogen(s) are at safe levels for the at risk population in product that has been subjected to the process.

(a) For processes that target *Vibrio vulnificus*, the level of *Vibrio vulnificus* in product that has been subjected to the process shall be non-detectable (<3 MPN/gram), to be determined by use of the *Vibrio vulnificus* FDA approved EIA procedure of Tamplin, et al, as described in Chapter 9 of the FDA Bacteriological Analytical Manual, 7<sup>th</sup> Edition, 1992.

(b) For processes that target *Vibrio parahaemolyticus*, the level of *Vibrio parahaemolyticus* in product that has been subjected to the process shall be non-detectable (<1 CFU/0.1 gram).

(c) For processes that target other pathogens, the level of those pathogens in product that has been subjected to the process shall be below the appropriate FDA action level, or, in the absence of such a level, below the appropriate level as determined by the ISSC.

(d) The ability of the process to reliably achieve the appropriate reduction in the target pathogen(s) shall be validated by a study approved by the Authority, with the concurrence of FDA.

(e) The HACCP plan shall include:

(i) Process controls to ensure that the end point criteria are met for every lot; and,

(ii) A sampling program to periodically verify that the end point criteria are met.

(2) Package and label all shellfish in accordance with all requirements of this Ordinance. This includes labeling all shellfish which have been subjected to the process but which are not frozen in accordance with applicable shellfish tagging and labeling requirements in Chapter X.05 and X.06 of the National Shellfish Sanitation Program Model Ordinance.

(3) Keep records in accordance with Chapter X.07 of the National Shellfish Sanitation Program Model Ordinance.

(B) A dealer who meets the requirements of this section may label product that has been subjected to the reduction process as:

(1) "Processed for added safety," if the process reduces the levels of all pathogens of public health concern to safe levels for the at risk population;

(2) "Processed to reduce [name of target pathogen(s)] to non-detectable levels," if the process reduces one or more, but not all, pathogens of public health concern to safe levels for the at risk population, and if that level is non-detectable; or

(3) "Processed to reduce [name of target pathogen(s)] to non-detectable levels for added safety," if the process reduces one or more, but not all, pathogens of public health concern to safe levels for the at risk population, and if that level is non-detectable; or

(4) A term that describes the type of process applied (e.g. "pasteurized," "individually quick frozen," "pressure treated") may be substituted for the word "processed" in the options contained in (B)(1)-(3).

(C) For the purposes of refrigeration, if the end product is dead, the product shall be treated as shucked product. If the end product is live, the product shall be treated as shellstock.

(D) A Harvester-Dealer Oyster Tag, blue in color, shall be used for shellstock that has undergone a Post-Harvest Treatment Process.

(E) Certification number of the Post-Harvest treatment facility is required on all Post-Harvest treated tags.

David W. Hood  
Secretary

0207#045

## **RULE**

### **Department of Health and Hospitals Office of the Secretary**

#### **Capital Area Human Services District (LAC 48:I.Chapter 27)**

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1999, the Department of Health and Hospitals has adopted the following rule.

#### **Title 48**

#### **PUBLIC HEALTHC GENERAL**

#### **Part I. General Administration**

#### **Subpart 1. General**

#### **Chapter 27. Capital Area Human Services District**

##### **§2701. Introduction**

A. This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with R.S. 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1593 (July 2002).

##### **§2703. Purpose and General Agreement**

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, addictive disorders, public health and related activities for eligible consumers in Louisiana.

B. R.S. 46:2661-2666 et seq. authorizes CAHSD to provide services of community-based mental health, developmental disabilities, addictive disorders, public health and related activities for eligible consumers in the CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, and East and West Feliciana, Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1593 (July 2002).

##### **§2705. Designation of Liaisons**

A. The primary liaison persons under this agreement are:

1. for DHH Deputy Secretary;
2. for CAHSD Chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1593 (July 2002).

##### **§2709. Services to be Delivered**

A. In order to provide a broad spectrum of coordinated public services to consumers of the Office of Mental Health hereinafter referred to as OMH, the Office for Citizens with Developmental Disabilities hereinafter referred to as OCDD,

the Office for Addictive Disorders hereinafter referred to as OAD, the Office of Public Health hereinafter referred to as OPH and for the District Administration, the CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

1. OCDD community support;
2. mental health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
3. outpatient treatment (non-intensive)-OAD;
4. community-based services-OAD;
5. intensive outpatient treatment/day treatment-OAD;
6. non-medical/social detoxification-OAD;
7. primary prevention-OAD;
8. adult inpatient treatment services-OAD;
9. transition to recovery homes (when funds and placements are available);
10. residential board and care (when funds and placements are available)-OAD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1593 (July 2002).

##### **§2711. Responsibilities of Each Party**

A. CAHSD accepts the following responsibilities:

1. to perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness;
2. to be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law, and to follow the rule governing admissions to OCDD Developmental Centers;
3. to be responsible for the delivery and supervision of transition services and case management and provide supports to person waiting for waiver services when an individual transitions to the community;
4. to provide for the gradual assumption of community-based public health services which will be determined to be feasible through consultation with the Office of Public Health;
5. to provide services related to the care, diagnosis, training, treatment, and education of, and primary prevention of addiction. The criteria for admission and treatment must be parallel to OAD state operated programs;
6. to maintain services in community-based mental health, developmental disabilities, and substance abuse at least at the same level as the state maintains similar programs;
7. to ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state;
8. to perform human resources functions necessary for the operation of the CAHSD;
9. to be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office;
10. to provide systems management and services data/reports in a format, and content, and frequency content

as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives;

11. to utilize ARAMIS, MIS, Mental Health's SPOE and any other required DHH/program office systems to meet state and federal reporting requirements. The CAHSD will use the OCDD individual tracking system and/or other designated MIS system OCDD will allow OCDD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD;

12. to make available human resource staffing data for on-site review;

13. to maintain and support Single Point of Entry (SPOE) state standard;

14. to provide for successful delivery of services to persons discharged from state facilities into the CAHSD service area by collaborative discharge planning;

15. to provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in the CAHSD as appropriately and collaboratively applied for;

16. to make available a list of all social and professional services available to children and adults through contractual agreement with local providers. List shall include names of contractor, dollar figure and brief description of services;

17. to work with OAD to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services;

18. to develop and utilize a 5 year strategic plan as required by Act 1465;

19. to monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements;

20. to report to OMH on a monthly basis data consistent with that reported in DHH operated regions in order to assure statewide data integrity and comparability across all 64 parishes. The format for reporting this information must comply with OMH data transmission requirements as specified by the assistant secretary for OMH;

21. to further all other CAHSD sites currently receiving materials from OPH shall continue to receive such provided current level funding is available from state and federal resources. Availability of materials shall also be based on the incidence rate of HIV in Region II and throughout the state;

22. to comply with OAD movement toward research-proven best practices and adhere to the established standard of care.

B. DHH retains/accepts the following responsibilities:

1. operation and management of any inpatient facility under jurisdiction of the DHH except that the CAHSD shall have authority and responsibility for determination of eligibility for receipt of such inpatient services (mental health's single point of entry function) which were determined at the regional level prior to the initiation of this Agreement;

2. operation, management and performance of functions and services for environmental health;

3. operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics;

4. operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health;

5. operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency;

6. monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the Governor's office;

7. operation, management and performance of functions for pre-admission screening and resident review process for Nursing Home Reform;

8. sharing with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers, and advocates, shall either include accurate data for CAHSD, as confirmed by CAHSD or shall include a statement that information for Region 2 (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions;

9. communicating any planned amendments to current law establishing CAHSD, or new legislation that is primarily directed to impacting CAHSD funding or administration or programs, prior to submission to the Governor's office or to a legislative author;

10. reporting of statewide performance or comparisons, which are circulated outside of the DHH program offices, which include data submitted directly by CAHSD, or which are generated from data transmission program in which CAHSD participants will be provided to CAHSD;

11. providing fair and equal access to all appropriately referred citizens residing in the parishes served by CAHSD;

12. inviting the CAHSD CSRM to OCDD meetings that include the CSRM's of the 8 regions under OCDD administration, when appropriate;

13. meeting with CAHSD to discuss and plan for any necessary upgrades in hardware, software or other devices necessary for the electronic submission of data which is required of CAHSD;

14. CAHSD's executive director shall be included in discussions that specifically relate to changes in CAHSD program or financing, prior to final decision-making;

15. in general, planning, managing and delivering services funded under this agreement as required in order to be consistent with the priorities, policies and strategic plans of DHH, its program offices, and related local initiatives. DHH shall include the CAHSD as appropriate in the development of these plans and priorities;

16. determining if community-based mental health, developmental disabilities, addictive disorders, and public health services are delivered at least at the same level by CAHSD as the state provides for similar programs in other areas, performance indicators shall be established. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most important, quality of services. The CAHSD will not be

required to meet performance indicators which are not mandated for state-operated programs in these service areas.

#### C. Joint Responsibilities

1. CAHSD's progress toward achieving outcomes which meet or exceed those realized by DHH-operated programs in the affected geographic region shall be measured by comparing the CAHSD data on results to baseline statistics reported by Regional DHH programs for the year prior to July 1, 1997. Specific outcome measurements/performance indicators to be compared will be jointly agreed upon by CAHSD and DHH.

2. The CAHSD shall work closely with OCDD in transitioning individuals from all developmental centers to the district and will be responsible for the oversight of the service providers to ensure that their recipient receives appropriate services and outcomes as designated in the Comprehensive Plan of Care.

3. CAHSD will work with the Office for Addictive Disorders to assure the key performance indicators sent to the DOA are the same for CAHSD and Office for Addictive Disorders.

4. CAHSD will work with the Office for Addictive Disorders to assure there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services.

5. CAHSD will collaborate with Region II OPH managers to assist them to perform community-based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health.

6. The CAHSD shall notify the DHH Bureau of Legal Services and relative program office in a timely manner to assure proper representation in all judicial commitments and court events involving placement in DHH programs. The CAHSD shall also provide program staff as representatives to assist DHH in all judicial commitments and court events involving placement in DHH programs. DHH will provide legal support and representation in judicial commitments to the department.

7. Budget request for new and expanded programs or request for additional funding for existing programs will be discussed with the appropriate personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1593 (July 2002).

#### **§2713. Reallocation of Resources/Staff and Financial Agreements**

A. For fiscal year 2001/02, DHH agrees to transfer financial resources in accordance with the memorandum of understanding to the direction and management of the CAHSD. The financial resources will be adjusted based upon the final appropriation for the CAHSD.

B. The CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which the CAHSD is responsible. The format for such request shall be consistent with that required by the Division of Administration and DHH. The request shall conform with the time frame established by DHH. CAHSD executive director will submit new and expanded program requests to the Office of the Secretary prior to submission to DOA.

C. The CAHSD shall operate within its budget allocation and report budget expenditures to the DHH.

D. Revisions of the budget may be made upon written consent between the CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, addictive disorders services, and public health, and related activities for any other such DHH entities or regions, the CAHSD will receive additional funds on the same basis as other program offices. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1.

G. The CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

H. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

I. DHH shall continue to provide to CAHSD certain support services from the Office of the Secretary and from the Office of Management and Finance which are available to the regional program offices of OCDD, OMH, OAD, and OPH. The services CAHSD will continue to receive, at the level provided to other regions are:

1. communications and inquiry;
2. internal audit, fiscal management;
3. information services;
4. facility management;
5. lease management; and
6. research and development.

J. CAHSD will participate in the planning and ongoing updates to the development of a resource allocation formula for OAD funding and comply with cost benefit analyses and outcome.

K. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

L. Should the implementation of the Area structure change the means of financing in a way that would negatively impact total funds received by the CAHSD for MH services, OMH would structurally guarantee the ability to bill for/collect funds for the service provided, or fund the district in the amount the total CAHSD/OMH portion of its budget would not be decreased from what would be allocated or collected by the other regions.

M. Funding for all medications needed by OMH forensic clients released from the hospital into CAHSD shall be provided to CAHSD as described in the MOU between OMH and CAHSD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1595 (July 2002).

#### **§2715. Joint Training and Meetings**

A. CAHSD, through its staff, will participate in DHH and other programmatic training, meetings and other activities as agreed upon by CAHSD and DHH. In a

reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by the CAHSD and the DHH. All program office meetings (trainings, information dissemination, policy development, etc.) discussing/presenting information with statewide implications shall include CAHSD staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1595 (July 2002).

#### **§2717. Special Provisions**

A. The CAHSD agrees to abide by all applicable federal, state, and parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status, or any other non-merit factor.

B. The CAHSD shall maintain a property control system of all movable property in the possession of the CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, the CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. The CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. The CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under the CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation, or extortion of individuals in need of protection in a format prescribed by DHH.

E. If OAD is successful in establishing an Inpatient Gambling Program, this will not be managed by CAHSD since this is a statewide program.

F. In the event of a Departmental budget reduction in state general funds, or federal funds equivalent, CAHSD shall share in that reduction consistent with other DHH agencies. If reductions occur through executive order, DOA, or legislative action in the appropriation schedule 09, and CAHSD is included in these reductions, then these same reductions shall not be reassessed to CAHSD by DHH agencies.

G. CAHSD shall have membership on the Region II Planning Group and the Statewide Planning Group for the HIV/AIDS Prevention Program. CAHSD shall be a voting member of the Region II Planning Group (RPG). CAHSD shall be a non-voting member of the Statewide Planning Group (SPG) unless the CAHSD member is also elected by the Region II RPG as its official delegate to the SPG. In such case, the CAHSD representative shall vote as the representative of the Region II RPG.

H. CAHSD can obtain a copy of all Region II contracts negotiated by OPH for the delivery of HIV/AIDS Prevention Services by CBO's in the seven parish area served by CAHSD.

I. CAHSD can obtain a copy of all requests for funding, solicitation of offers, notices of funding availability and

other such comparable documents sent out by OPH relative to community-based HIV Prevention and Treatment Services for Region II as well as any such notices received by OPH and not chosen for application by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1596 (July 2002).

#### **§2719. Renewal/Termination**

A. This agreement will cover the period of time from July 1, 2001 to June 30, 2002.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 28:1596 (July 2002).

David W. Hood  
Secretary

0207#011

#### **RULE**

#### **Department of Insurance Office of the Commissioner**

#### **Regulation 70C Replacement of Life Insurance and Annuities (LAC 37:XIII.8903, 8907, 8909, and 8917)**

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Insurance has amended its existing Regulation 70 relating to the replacement of life insurance and annuities. This action complies with the statutory law administered by the Department of Insurance.

These amendments are needed to facilitate certain changes deemed necessary to allow for insurance transactions completed by electronic means. The amendments affect the following sections: §§8903, 8907, 8909 and 8917.

#### **Title 37**

#### **INSURANCE**

#### **Part XIII. Regulations**

#### **Chapter 89. Regulation 70C Replacement of Life Insurance and Annuities**

#### **§8903. Definitions**

\* \* \*

*Electronic Means* relating to sales presentations conducted by a producer utilizing technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities where all signatures are obtained via electronic signature technology.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:1300 (June 2000), amended LR 28:1596 (July 2002).

**§8907. Duties of Producers**

A.1. - 2. ...

3. Notwithstanding Paragraph A.2 above, when the sales presentation is conducted by electronic means and all signatures are obtained via electronic signature technology, the meaning of "at the time of taking the application" shall be extended to allow for the Producer's submission of electronic information to the company. The requirements of Paragraph A.2 are deemed met when a copy of the required replacement notice electronically signed at the presentation is provided to the applicant within two business days following submission of the case to the company. In no event shall the time for providing the notice exceed five business days from the date the applicant signed the application.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:1301 (June 2000), amended LR 28:1597 (July 2002).

**§8909. Duties of Insurers that Use Producers**

A. - C.2.b. ...

c. provide the applicant a hard copy of the required replacement notice within two business days following a producer's submission of case conducted by electronic means. In order to show compliance with §8907.A.2 and 3, the provision must occur no later than five business days from the date of applicant's signing the application.

C.3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:1302 (June 2000), amended LR 28:1597 (July 2002).

**§8917. Violations and Penalties**

A. Any failure to comply with this Regulation shall be considered a violation of R.S. 22:1214. Examples of violations include:

1. - 5. ...

6. the company's failure to provide the applicant a hard copy of the required replacement notice within two business days following the submission of a case conducted by electronic means. All such provisions must occur no later than five business days from the date of applicant's signing the application.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:1304 (June 2000), amended LR 28:1597 (July 2002).

J. Robert Wooley  
Acting Commissioner

0207#029

**RULE**

**Department of Public Safety and Corrections  
Board of Parole**

Public Hearings  
Risk Review Panel Applicants  
(LAC 22:XI.511)

The Louisiana Board of Parole, in accordance with R.S. 49:950 et seq., has amended LAC 22:XI.511, Public Hearings. This Rule is being amended to facilitate the handling of favorable recommendations from the Louisiana Risk Review Panel.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part XI. Board of Parole**

**Chapter 5. Meetings and Hearings of the Board of  
Parole**

**§511. Public Hearings**

A. - F. ...

G. When the Louisiana Board of Parole receives a favorable recommendation from any of the three existing Louisiana Risk Review Panels (South, Central and/or North Louisiana Risk Review Panel), or the Louisiana Board of Pardons regarding a Risk Review Panel recommendation previously submitted to the Board of Pardons, said recommendation shall be accepted and scheduled for a public hearing as soon as possible. A Risk Review Panel recommendation may be set for a hearing at a time and date designated by the vice-chairman, at his/her sole discretion, notwithstanding any rule contained herein to the contrary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2299 (December 1998), amended LR 28:1597 (July 2002).

Fred Y. Clark  
Chairman

0207#069

**RULE**

**Department of Public Safety and Corrections  
Office of the State Fire Marshal**

State Uniform Construction Code (LAC 55.V.4001)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1725 et seq., relative to the authority of the State Fire Marshal to promulgate rules and regulations and to declare the content of the State Uniform Construction Code, the State Fire Marshal has adopted this Rule and declares that the State Uniform Construction Code shall consist of the 1997 edition of the Standard Building Code (SBC) as published by the Southern Building Code Congress International and the 1999 edition of the National Electrical Code (NEC) as published by the National Fire Protection Association.

**Title 55  
PUBLIC SAFETY**

**Part V. Fire Protection**

**Chapter 40. State Uniform Construction Code**

**§4001. State Uniform Construction Code**

A. The Office of state Fire Marshal hereby adopts the 1997 edition of the Standard Building Code as published by the Southern Building Code Congress International, Inc., and the 1999 edition of the National Electrical Code as published by the National Fire Protection Association as the State Uniform Construction Code.

B. In accordance with the requirements set forth in R.S. 40:1725 et seq., plans and specifications for any and all buildings to be constructed in the state after December 20, 2001 shall comply with the minimum standards contained in the State Uniform Construction Code.

C. Alterations, remodeling or repairs performed after December 20, 2001 to existing buildings, shall be performed in accordance with the State Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1725, R.S. 40:1726, R.S. 40:1727, R.S. 40:1728, R.S. 40:1729 AND R.S. 40:1730.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 28:1598 (July 2002).

V.J. Bella  
State Fire Marshal

0207#016

**RULE**

**Department of Social Services  
Office of Family Support**

TANF Review  
(LAC 67:III.902, 1207, 2902, 5203, 5305, and 5407)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, §§902 and 1207 in the Family Independence Temporary Assistance Program (FITAP), §2902 in the Family Independence Work Program (FIND Work), §5203 in the Wrap-Around Child Care Program, §5305 in the Kinship Care Subsidy Program (KCSP), and §5407 in the Teen Pregnancy Prevention Program. The amendments were effected February 5, 2002, by a Declaration of Emergency.

These changes are corrections made at the direction of the United States Department of Health and Human Services, Administration for Children and Families, following a review of Louisiana's Temporary Assistance for Needy Families (TANF) State Plan for these programs, all of which are funded by the TANF Block Grant to Louisiana.

**Title 67  
SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 2. Family Independence Temporary Assistance Program (FITAP)**

**Chapter 9. Administration**

**§902. State Plan**

A. The Title IV-A State Plan as it existed on August 21, 1996, is hereby adopted to the extent that its provisions are

not in conflict with any emergency or normal rules adopted or implemented on or after August 21, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474, R.S. 46:233 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:448 (April 1997), amended LR 28:1598 (July 2002).

**Chapter 12. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance**

**§1207. Certification Period and Reapplication**

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and Application for Continued Assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. If the payee fails, without good cause, to keep a scheduled appointment, the case will be closed without further notification. Also, if during the application process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 28:1598 (July 2002).

**Subpart 5. Family Independence Work Program (FIND Work)**

**Chapter 29. Organization**

**Subchapter A. Designation and Authority of State Agency**

**§2902. State Plan**

A. The Title IV-F and IV-A/F State Plan as it existed on August 21, 1996, is hereby adopted to the extent that its provisions are not in conflict with any emergency or normal rules adopted or implemented on or after August 21, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474, R.S. 46:233 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:450 (April 1997), amended LR 28:1598 (July 2002).

**Subpart 12. Child Care Assistance**

**Chapter 52. Wrap-Around Child Care Program**

**§5203. Conditions of Eligibility**

A. - D. ...

E. The household must provide the information and verification necessary for determining eligibility and payment amount. Required verification includes:

1. proof of social security numbers, that is, each applicant for, or recipient of, Wrap-Around Child Care is required to furnish a Social Security number or to apply for a Social Security number if such a number has not been issued or is not known;

E.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March

2001), amended LR 27:1560 (September 2001), LR 28:1598 (July 2002).

**Subpart 13. Kinship Care Subsidy Program (KCSP)**  
**Chapter 53. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance**

**§5305. Certification Period and Reapplication**

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and Application for Continued Assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. If the payee fails, without good cause, to keep a scheduled appointment, the case will be closed without further notification. Also, if during the re-application process, a change is reported which results in a determination of ineligibility the case will be closed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:1599 (July 2002).

**Subpart 14. Teen Pregnancy Prevention**  
**Chapter 54. Teen Pregnancy Prevention Program**  
**§5407. Program Activities**

A. The following program activities shall be used to coordinate the teen-oriented programs in Louisiana. These activities allow for expanding, redeveloping, and refining of these programs to ensure that the goals and objectives will be met:

1. - 7. ...

8. outreach and education on the problems of statutory rape directed towards law enforcement, education, and counseling services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1019 (July 2001), amended LR 28:1599 (July 2002).

Gwendolyn P. Hamilton  
Secretary

0207#065

**RULE**

**Department of Social Services**  
**Office of Family Support**

TANF Revie wCAliens  
(LAC 67:III.1223, 1931, 1932, and 5323)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Chapter 12, Family Independence Temporary Assistance Program (FITAP), Chapter 19, Food Stamp Program, and Chapter 53, Kinship Care Subsidy Program (KCSP) by amending §1223 in the Family Independence Temporary Assistance Program (FITAP),

§1931 and 1932 in the Food Stamp Program, and §5323 in the Kinship Care Subsidy Program (KCSP).

These changes are corrections being made at the direction of the United States Department of Health and Human Services, Administration for Children and Families, following a review of the FITAP chapter of Louisiana's TANF State Plan. Since federal regulations regarding citizenship and alien eligibility apply to the Kinship Care Subsidy and Food Stamp Programs, review of LAC regulations and program policy revealed that corrections were also needed regarding food stamps and KCSP.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 2. Family Independence Temporary Assistance Program (FITAP)**

**Chapter 12. Application, Eligibility, and Furnishing Assistance**

**Subchapter B. Conditions of Eligibility**

**§1223. Citizenship**

A. Each FITAP recipient must be a United States citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 4. ...

5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act [as amended by Section 305(a) of Division C of Public Law 104-208];

6. - 8.b. ...

c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or

d. ...

e. cancellation of removal pursuant to section 1229b(b)(2) of the INA;

9. an alien child of a battered parent or the alien parent of a battered child as described in §1223.A.8; or

10. an alien who is a victim of a severe form of trafficking in persons.

B. Time-Limited Benefits. A qualified alien who enters the United States on or after August 22, 1996, is ineligible for five years from the date of entry into the United States unless:

1. - 2. ...

3. the alien's deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act [as amended by §305(a) of Division C of Public Law 104-208];

4. ...

5. the alien is an *Amerasian* immigrant admitted pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 as amended;

6. - 7. ...

8. the alien is a victim of a severe form of trafficking in persons.



AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2448 (December 1999), amended LR 26:1342 (June 2000), LR 27:2263 (December 2001), LR 28:1599 (July 2002).

### **Subpart 3. Food Stamps**

#### **Chapter 19. Certification of Eligible Households**

##### **Subchapter D. Citizenship and Alien Status**

###### **§1931. Qualified Aliens**

A. In addition to U.S. citizens, the following qualified aliens are eligible for benefits:

1. - 4. ...

5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act [as amended by Section 305(a) of Division C of Public Law 104-208];

6. - 8.b. ...

c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or

d. ...

e. cancellation of removal pursuant to Section 1229b(b)(2) of the INA;

9. an alien child of a battered parent or the alien parent of a battered child as described in §1931.A.8; or,

10. an alien who is the victim of a severe form of trafficking in persons.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 104-208, P.L. 105-33, P.L. 105-185, and P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 7:265 (May 1981), amended by the Department of Social Services, Office of Family Support, LR 22:286 (April 1996), LR 25:710 (April 1999), LR 28:1600 (July 2002).

###### **§1932. Time Limitations for Certain Aliens**

A. The following qualified aliens are eligible for benefits for a period not to exceed seven years after they obtain designated alien status:

1. - 2. ...

3. an alien whose deportation is withheld under §243(h) of such ACT [as in effect immediately before effective date (April 1, 1997) of §307 of Division C of P.L. 104-208] or §241(b)(3) of such Act [as amended by Section 305(a) of Division C of P.L. 104-208];

4. - 5. ...

6. an alien who is the victim of a severe form of trafficking in persons.

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 105-33, P.L. 105-185, and P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:711 (April 1999), amended LR 28:1600 (July 2002).

### **Subpart 13. Kinship Care Subsidy Program (KCSP)**

#### **Chapter 53. Application, Eligibility, and Furnishing Assistance**

##### **Subchapter B. Conditions of Eligibility**

###### **§5323. Citizenship**

A. Each KCSP recipient must be a United States citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or

after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 4. ...

5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act [as amended by Section 305(a) of Division C of Public Law 104-208];

6. - 8.b. ...

c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or

d. ...

e. cancellation of removal pursuant to section 1229b(b)(2) of the INA;

9. an alien child of a battered parent or the alien parent of a battered child as described in §1223A.8; or

10. an alien who is a victim of a severe form of trafficking in persons.

B. Time-limited Benefits. A qualified alien who enters the United States on or after August 22, 1996 is ineligible for five years from the date of entry into the United States unless:

1. - 2. ...

3. the alien's deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act [as amended by §305(a) of Division C of Public Law 104-208];

4. ...

5. the alien is an *Amerasian* immigrant admitted pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 as amended;

6. - 7. ...

8. the alien is a victim of a severe form of trafficking in persons.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), amended LR 27:2264 (December 2001), LR 28:1600 (July 2002).

Gwendolyn P. Hamilton  
Secretary

0207#064

### **RULE**

#### **Department of Transportation and Development Office of Weights, Measures and Standards**

##### **Critical Off-Road Equipment Permit Requirements (LAC 73:I.1709)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development has amended a rule entitled "Critical Off-Road Equipment Permit Requirements," in accordance with R.S. 32:386-389.

**Title 73**  
**WEIGHTS, MEASURES AND STANDARDS**

**Part I. Weights and Standards**

**Chapter 17. Requirements for Permitting Off-Road Equipment**

**§1709. Critical Off-Road Equipment Permit Requirements**

A. ...

B. The owner shall provide escort service during the move in accordance with the department's escort procedures and regulations to control traffic with the following exception: Equipment classified as critical off-road equipment in which no single axle is in excess of 30,000 pounds, no tandem axles are in excess of 54,000 pounds and no tridum axles are in excess of 60,000 pounds shall be exempt from the escort requirement.

C. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32.2, et seq. and R. S. 32:386-389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 28:1601 (July 2002).

Kam K. Movassaghi, Ph.D., P.E.  
Secretary

0207#062

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Experimental Fisheries ProgramCPermits (LAC 76:VII.701)

The secretary of Department of Wildlife and Fisheries has amended the following rule which provides for the harvest of underutilized species under the experimental fisheries program and the issuance of permits.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 7. Experimental Fisheries Programs**

**§701. Permits**

A. - B.9. ...

10. Permitted vessel and permitted gear is the specific gear and vessel designated on the permit.

11. When a permit is issued, only the permitted specie(s) can be retained. All other species shall be immediately returned to waters from which they were caught. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

12. The permittee shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferable without written permission from the department secretary.

13. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No

gear other than permitted gear may be on board or in possession of permittee.

14. If citation(s) are issued to any permittee for violation of a Class Two fish or game law or conditions regulated by the permit, all permittee's permits shall be suspended until such time as the permittee appears before the department's officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may reinstate or revoke the permit, and the permittee may lose all rights and privileges to participate in the program.

15. Any violation of the conditions of the permit shall result in the immediate suspension of the permit and forfeiture of the deposit and may result in the permanent revocation of the permit.

C. - D.8. ...

9. The harvest of shad (*Dorosoma sp.*) and skipjack (*Alosa chrysochloris*) with an experimental seine.

a. Closed Seasons, Times and Areas

i. The season for the commercial taking of shad and skipjack under the provision of the experimental seine permit shall be closed during the months of July, August, September and October of each year. Shad and skipjack may not be taken commercially with an experimental seine at any time outside of this season.

ii. Commercial harvest of shad and skipjack with an experimental seine under the provisions of this section shall not be allowed on Saturday and Sunday. There shall be no commercial taking of shad and skipjack with an experimental seine during the period after sunset and before sunrise.

iii. Experimental seines shall not be used in areas closed to seining.

b. Commercial Taking

i. Only shad and skipjack may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permitted and all fish on board of the permitted vessel shall have the head and caudal fin (tail) intact.

ii. An experimental seine is a seine with a mesh size not less than one-inch bar and two inches stretched and not more than two inches bar and four inches stretched, not exceeding 1,200 feet in length. The experimental seine may not be constructed of monofilament.

iii. Only "strike" fishing will be permitted; this means the school of fish to be taken must be visible from the surface and the seine then placed around the selected school.

iv. The use of more than one experimental seine from any one or more vessels at any time is prohibited.

v. No more than two vessels may fish an experimental seine at one time.

vi. Experimental seines shall not be used in a manner that unduly restricts navigation of other vessels.

vii. Experimental seines shall not be left unattended as defined in Title 56 and shall be actively fished at all times by the permittee.

viii. Each experimental seine shall have attached to each end a one-gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number shall be legibly displayed on the jug.

ix. The permitted gear shall only be fished in the freshwater areas of the state.

x. All provisions of Title 56 shall apply to persons involved in any experimental fishery or possessing any commercial gear.

c. Commercial Limits. During the season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed and permitted fishermen.

d. Permits

i. Any person who has been convicted of an offense under the provisions of the experimental fishery permit program shall not participate in the harvest, in any manner, of fish taken under an experimental permit.

ii. No person shall receive more than one experimental seine permit to commercially take shad and skipjack.

iii. This permit along with other applicable licenses authorize the bearer to sell his shad and skipjack herring.

iv. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in Title 56.

v. The permitted gear must be properly licensed as a fish seine.

e. General Provisions. Effective with the closure of the season for using the experimental seine permit for shad and skipjack, the possession of the experimental seine on the waters of the state shall be prohibited. Nothing shall prohibit the possession, sale, barter or exchange off the water of shad and skipjack legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

10. Shad (*Dorosoma sp.*) and Skipjack (*Alosa chrysochloris*) Gill Net Permit (Lake Des Allemands Only)

a. Closed Seasons, Times and Areas

i. The season for the commercial taking of shad and skipjack under the provision of the experimental gill net permit shall be closed during the months of July, August, September and October of each year. Shad and skipjack may not be taken commercially with an experimental gill net at any time outside of this season.

ii. Commercial harvest of shad and skipjack with an experimental gill net under the provisions of this section shall not be allowed on Saturday and Sunday. There shall be no commercial taking of shad and skipjack with an experimental gill net during the period after sunset and before sunrise.

iii. Experimental gill net shall not be used in areas closed to gill netting.

b. Commercial Taking

i. Only shad and skipjack may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permitted and all fish on board of the permitted vessel shall have the head and caudal fin (tail) intact.

ii. An experimental gill net is a gill net with a mesh size not less than one-inch bar and two inches stretched and not more than two inches bar and four inches stretched, not exceeding 1,200 feet in length.

iii. Only "strike" gill net fishing will be permitted; this means the school of fish to be taken must be visible from the surface and the gill net then placed in or directly near the selected school. Once deployed, the experimental gill net is to remain stationary until being run (gill net remains in place while fish are removed) or gill net is retrieved (gill net remains in place until lifted into boat).

iv. The use of more than one experimental gill net from any one or more vessels at any time is prohibited.

v. No more than two vessels may fish an experimental gill net at one time.

vi. Experimental gill net shall not be used in a manner that unduly restricts navigation of other vessels.

vii. Experimental gill net shall not be left unattended as defined in Title 56.

viii. Each experimental gill net shall have attached to each end a one-gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number shall be legibly displayed on the jug.

ix. The permitted gear shall only be fished in Lac Des Allemands. Streams, bayous, canals and other connecting waterbodies are not included in this permit.

x. All provisions of Title 56 shall apply to persons involved in any experimental fishery or possessing any commercial gear.

c. Commercial Limits. During the season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed and permitted fishermen.

d. Permits

i. Any person who has been convicted of an offense under the provisions of the experimental fishery permit program shall not participate in the harvest, in any manner, of fish taken under an experimental permit.

ii. No person shall receive more than one gill net permit to commercially take shad and skipjack.

iii. This permit along with other applicable licenses authorize the bearer to sell his shad and skipjack herring.

iv. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in Title 56.

v. The permitted gear must be properly licensed as a freshwater gill net.

e. General Provisions. Effective with the closure of the season for using the experimental gill net permit for shad and skipjack, the possession of the experimental gill net on the waters of the state shall be prohibited. Nothing shall prohibit the possession, sale, barter or exchange off the water of shad and skipjack legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

11. Experimental Freshwater River Shrimp (*Macrobrachium ohione*) Permit

a. May experimentally fish a wire mesh shrimp net, 1/4-inch bar, 6 feet in length in the Intercoastal Canal and Mississippi River within 1.5 miles of the boat ramp adjacent to the locks in Port Allen.

b. Only freshwater river shrimp may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permittee.

c. The permittee shall have the permit in possession at all times when using permitted gear; permittee shall be on board permitted vessel when operating under conditions of permit.

d. The permitted gear must be properly licensed as a Shrimp Trawl and may be fished in freshwater areas only.

e. Permitted gear must be marked using a one-gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number should be legibly displayed on the jug.

f. This permit may be canceled at any time if in the judgment of the secretary or his designee, the permit is being used for purposes other than that for which the permit was issued.

g. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in Title 56.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:571.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:119 (February 1986), amended LR 12:847 (December 1986), amended by the Office of Fisheries, LR 15:1098 (December 1989), amended by the Wildlife and Fisheries Commission, LR 28:1601 (July 2002).

James H. Jenkins, Jr.  
Secretary

0207#061

## **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **General and Wildlife Management Area (WMA) Hunting (LAC 76:XIX.111)**

The Wildlife and Fisheries Commission has promulgated rules and regulations governing the hunting of resident game birds and game quadrupeds.

#### **Title 76**

#### **WILDLIFE AND FISHERIES**

#### **Part XIX. Hunting and WMA Regulations**

#### **Chapter 1. Resident Game Hunting Season**

#### **§111. General and Wildlife Management Area**

#### **Hunting Rules and Regulations**

#### **A. Hunting Seasons and Wildlife Management Area Regulations**

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority

to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

#### **B. Resident Game Birds and Animals**

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

#### **C. Other Season Dates**

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally from September 1 through February 28 during legal shooting hours by any legal hunting method with no limit. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than BB lead or F steel and during gun deer seasons anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Pelting or selling of carcasses is illegal except when taken by a licensed trapper during the trapping season. Trespass upon private property without consent for the purpose of taking nutria is punishable by fines and possible jail time (R.S. 56:265).

4. Blackbirds and Crows. The season for crows shall be September 1 through January 2 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter and attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow or muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

9. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

*Exotics* for purposes of this rule means any animal of the family Bovidae [except the Tribe Bovini (cattle)] or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

*Hunting* in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

*Same as Outside* for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

*Supplemented Hunting Preserve* for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

*White-Tailed Deer* for purposes of this rule means any animal of the species *Odocoileus Virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-Tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load

exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-Tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-Tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any post-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt, the youth must have satisfactorily completed a hunter safety course approved by LDWF to participate.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to

possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species. Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

#### E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in West Baton Rouge and Pointe Coupee Parishes and that portion of Iberville Parish west of the Mississippi River (excluding the Sherburne Wildlife Management Complex and those private lands owned by Adams and Summers, which are totally surrounded by the Sherburne Complex) where a legal buck shall be defined as a deer with at least six points or a deer with both spikes three inches long or less. To be counted as a point, a projection must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with

dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment. (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

a. Legal Muzzleloader Firearms For Special Season. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow

drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youth must be under the age of 16, must have proof of successfully completing a department-approved hunter safety course, and must be accompanied by an adult licensed to hunt big game. In West Baton Rouge and Pointe Coupee Parishes and that portion of Iberville Parish west of the Mississippi River antler restrictions for bucks shall be waived.

#### F. Description of Areas

##### 1. Area 1.

a. All of the following parishes are open: East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open.

i. CatahoulaCA except that portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry, west of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

ii. GrantCEast of U.S. 165 and south of La. 8.

iii. LaSalleCPortion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line.

iv. LivingstonCNorth of I-12.

v. RapidesCEast of U.S. 165 and north of Red River.

vi. St. TammanyCAll except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. TangipahoaCNorth of I-12.

viii. West FelicianaCAll except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes.

i. CatahoulaCSouth of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton RougeCEast of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. FranklinCAll.

iv. St. HelenaCNorth of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. TangipahoaCThat portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. TammanyCEast of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West FelicianaCWest of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2.

a. All of the following parishes are open.

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine, Caldwell.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open.

i. AllenCNorth of U.S. 190 from the parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale, westward to the parish line.

ii. AvoyellesCThat portion west of I-49.

iii. CatahoulaCThat portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry. West of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

iv. EvangelineCAll except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

v. GrantCAll except that portion south of La. 8 and east of U.S. 165.

vi. Jefferson Davis CNorth of U.S. 190.

vii. LaSalleCAll except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula parish line.

viii. MorehouseCWest of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

ix. OuachitaCAll except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

x. RapidesCAll except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. VernonCNorth of La. 10 from the parish line westward to La. 113, south of La. 113 eastward to the parish line. Also the portion north of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes.

i. Claiborne and WebsterCCaney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. OuachitaCEast of Ouachita River.

iii. RapidesCWest of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49



southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. VernonCEast of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3.

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open.

i. AllenCSouth of U.S. 190 and west of La. 113.

ii. BeauregardCWest of La. 113. ALSO east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line.

iii. CalcasieuCSouth of U.S. 90. Also east of La. 27 from Sulphur northward to the parish line.

iv. IberiaCWest of U.S. 90 and north of La. 14.

v. Jefferson Davis CAll except north of U.S. 190.

vi. LafayetteCWest of I-49 and U.S. 90.

vii. RapidesCSouth of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. LandryCWest of U.S. 167.

ix. VernonCWest and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4.

a. All of East Carroll and Richland parishes are open.

b. Portions of the following parishes are open.

i. MorehouseCEast of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. OuachitaCSouth of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5.

a. All of West Carroll Parish is open.

i. All deer hunting with firearms is for bucks only including muzzleloader season.

6. Area 6.

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.

c. Portions of the following parishes are also open.

i. AvoyellesCAll except that portion west of I-49.

ii. EvangelineCThat portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. IberiaCEast of U.S. 90.

iv. LafayetteCEast of I-49 and U.S. 90.

v. LivingstonCSouth of I-12.

vi. RapidesCSouth of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. LandryCEast of U.S. 167.

viii. St. MaryCNorth of U.S. 90.

ix. St. TammanyCThat portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. TangipahoaCSouth of I-12.

xi. TerrebonneCNorth of La. 182 from Assumption Parish line eastward to Houma, east of Houma Navigation Canal southward to the Gulf of Mexico.

xii. West FelicianaCWest of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all or portions of the following parishes.

i. AvoyellesCNorth of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. PlaqueminesCEast of the Mississippi River.

iii. RapidesCSouth of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard - All of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. JohnCSouth of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. LandryCThose lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

7. Area 7.

a. Portions of the following parishes are open.

i. Iberia and St. Mary Parishes - South of La. 14 and west U.S. Hwy. 90.

ii. TerrebonneCSouth of La. 182 from Assumption Parish line eastward to Houma, west of Houma Navigation Canal southward to the Gulf of Mexico.

8. Area 8.

a. Portions of the following parishes are open.

i. AllenCThat portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale eastward to parish line.

ii. VernonCThat portion east of La. 113 from the parish line northward to Pitkin, and south of La. 10 from Pitkin southward to the parish line.

iii. BeauregardCThat portion lying east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line.

iv. CalcasieuCThat portion lying east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

#### G Wildlife Management Area Regulations

##### 1. General.

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3:00 a.m. unless otherwise specified. On days when daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, except for Lake Boeuf, Salvador/Timken and Pointe-aux-Chenes or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt deer according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs except in designated locations is prohibited.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the Region Office.

j. Burning of marshes is prohibited except by permit. Permits may be obtained from the Fur and Refuge Division.

k. Nature trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

##### 2. Permits.

a. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of three portions: check in, check out and a vehicle tag. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity. Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a camp. Each person must leave the vehicle tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate region office for the location of the deer check station on these WMAs. (self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

c. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

##### 3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter

safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. **Handicapped Season.** For hunters possessing a Physically Challenged Hunter Permit only. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

c. **Deer Lottery Hunts.** Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. **Turkey Lottery Hunts.** Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

e. **Trapping.** Permits to take fur bearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the region office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

f. **Raccoon Hunting.** A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental Season dates for specific WMAs are for nighttime raccoon hunting and permits may be required. There is no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

g. **Commercial Fishing.** Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines

allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

h. **Sport Fishing.** Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

i. **Additional Department Lands.** The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

#### 4. Firearms.

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

#### 5. Methods of Taking Game.

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters from the beginning of archery season on the area until February 28 and only with guns/ammunition or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAs.

n. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

o. All hunters except waterfowl hunters and dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "hunter orange"

and wear a "hunter orange" cap during open gun season for deer. Quail hunters, woodcock hunters and archers (while on the ground) as well as hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "hunter orange" cap. Also all persons afield during hunting seasons are encouraged to display "hunter orange".

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader Season for Deer. See WMA deer schedule.

#### 6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas.

a. All oil and gas production facilities (wells, dumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles.

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 pounds, length 85 inches, and width 48 inches. ATV tires are restricted to those no larger than 25 x 12 with a maximum inch lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Motorized vehicles, including ATVs, and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps. WMA maps available at all region offices. This restriction does not apply to bicycles.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purpose. These trails will be marked by signs at the entrance of the trail and designated on WMA maps. Raccoon hunters may use ATVs during nighttime raccoon take seasons only.

n. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Commercial Activities. Hunting Guides/Outfitters: No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or

swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.

c. Attakapas. Free-ranging livestock prohibited.

d. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.

e. Bayou Pierre

f. Bens Creek

g. Big Colewa Bayou. All nighttime activities prohibited.

h. Big Lake. Free-ranging livestock prohibited.

i. Biloxi

j. Bodcau

k. Boeuf. Free-ranging livestock prohibited.

l. Boise-Vernon

m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details.

o. Dewey W. Wills. Crawfish: 100 pounds per person per day.

p. Elm Hall. No ATVs allowed.

q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special regulations apply to ATV users.

r. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas region office. Free-ranging livestock prohibited. No hunting in restricted area.

s. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management woods, roads and trails.

t. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

u. Lake Boeuf

v. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

w. Little River

x. Loggy Bayou

y. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

z. Maurepas Swamp

aa. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

bb. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South

Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

cc. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

dd. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

ee. Plum Creek (Formerly Georgia-Pacific). Except as otherwise provided, all nighttime activities prohibited.

ff. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for dove hunting and experimental youth deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open during each Saturday of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 h.p. prohibited in the Montegut and Grand Bayou marsh management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. Vehicles prohibited on Point Farm properties unless authorized by the department. ATVs, ATCs and motorcycles prohibited on this area.

gg. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, recreational only, 100 lbs. per boat or group daily. Free-ranging livestock prohibited.

hh. Red River. Free-ranging livestock prohibited. Crawfishing prohibited on Wetland Restoration Areas.

ii. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

jj. Sabine

kk. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ll. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 hp are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited except by experimental permit to be obtained from the New Orleans Office, Fur and Refuge Division, Room 217. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact Pointe-aux-Chenes. ATVs, ATCs and motorcycles prohibited on this area.

mm. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge region office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads. Free-ranging livestock prohibited.

nn. Sherburne. Crawfishing: Recreational crawfishing only on the North and South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Free-ranging livestock prohibited. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. Vehicular traffic

prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

oo. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

pp. Soda Lake. No motorized vehicles allowed. All trapping and hunting prohibited except archery hunting for deer.

qq. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas region office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

rr. Thistlethwaite. No hunting or trapping in restricted area (see WMA map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ss. Three Rivers. Free-ranging livestock prohibited in area.

tt. Tunica Hills. All vehicles restricted to parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

uu. Union. All nighttime activities prohibited except as otherwise provided.

vv. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

ww. Wisner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002).

Thomas M. Gattle, Jr.  
Chairman

0207#031

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resident Game Hunting Season 2002-2003  
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission has amended its rules and regulations governing the hunting of resident game birds and game quadrupeds.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

#### Chapter 1. Resident Game Hunting Season

##### §101. General

A. The Resident Game Hunting Season, 2002-2003 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002).

##### §103. Resident Game Birds and Animals 2002-2003

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 16-Feb. 28	10	20
Rabbit	Oct. 5-Feb. 28	8	16
Squirrel	Oct. 5-Feb. 9	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season

#### C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 16-Nov. 22 Jan. 20-Jan. 26	Nov. 23-Dec. 6 Jan. 6-Jan. 19	Dec. 7-Jan. 5
2	Oct. 1-Jan. 31	Oct. 26-Nov. 1 Jan. 11-Jan. 17	Nov. 2-Dec. 6	Dec. 7-Jan. 10
3	Sept. 14-Jan. 15	Oct. 5-Oct. 11 Dec. 2-Dec. 6	Oct. 12-Dec. 1 Dec. 7-Jan. 1	
4	Oct. 1-Jan. 31	Nov. 9-Nov. 15 Jan. 11-Jan. 19	Nov. 16-Jan. 10	
5	Oct. 1-Jan. 31	Nov. 16-Nov. 22 Jan. 11-Jan. 19 Bucks Only	Nov. 23-Dec. 1	
6	Oct. 1-Jan. 31	Nov. 16-Nov. 22 Jan. 20-Jan. 26	Nov. 23-Dec. 6	Dec. 7-Jan. 19
7	Oct. 1-Jan. 31	Oct. 12-Oct. 18 Nov. 9-Nov. 15	Oct. 19-Nov. 8 Nov. 16-Dec. 1	Dec. 2-Jan. 1
8	Sept. 14-Jan. 15	Oct. 5-Oct. 11 Dec. 2-Dec. 6	Oct. 12-Dec. 1	Dec. 7-Jan. 1

#### D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Modern Firearm Either-Sex Days
Acadia	Oct. 12-13, 19-20, 26-27, Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1
Allen	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8 Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8 Area 8: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
Ascension	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Assumption	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Avoyelles	Area 2: Nov. 2-3, 23-24, 29-30, Dec. 1, 7-8 Area 6: Nov. 23-24, 29-30, Dec. 1, 7-8
Beauregard	Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8 Area 8: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
Bienville	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
Bossier	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
Caddo	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
Calcasieu	Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8 Area 8: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
Caldwell	Nov. 2-3, 23-24, 29-30, Dec. 1, 7-8
Cameron	Oct. 12-13, 19-20, 26-27, Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1
Catahoula	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8 Area 2: Nov. 2-3, 23-24, 29-30, Dec. 1, 7-8
Claiborne	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
Concordia	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15, 21-22
DeSoto	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
East Baton Rouge	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
East Carroll	Nov. 16-17, 23-24, 29-30, Dec. 1, 7-8, 14-15, 21-22, East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison parish line. Nov. 16-17, 29-30, Dec. 1 the remainder of the parish.
East Feliciana	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Evangeline	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8 Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Franklin	Nov. 23-24, 27-30, Dec. 1
Grant	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8 Area 2: Nov. 2-3, 9-10, 16-17, 23-24, 29-30, Dec. 1, 7-8
Iberia	Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8 Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15 Area 7: Oct. 19-20, Nov. 16-17, 23-24, 29-30, Dec. 1, 7-8
Iberville	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Jackson	Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8
Jefferson	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Jefferson Davis	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8 Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
Lafayette	Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-24, 29-30, Dec. 1 Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Lafourche	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
LaSalle	Area 1: Nov. 23-24, 29-30, Dec. 1, 7-8 Area 2: Nov. 2-3, 23-24, 29-30, Dec. 1, 7-8
Lincoln	Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8
Livingston	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15 Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Madison	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15, 21-22
Morehouse	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8 Area 4: Nov. 16-17, 29-30, Dec. 1
Natchitoches	Nov. 2-3, 9-10, 16-17, 23-24, 29-30, Dec. 1, 7-8
Orleans	Closed to all deer hunting
Ouachita	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8 Area 4: Nov. 16-17, 29-30, Dec. 1
Plaquemines	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Pointe Coupee	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Rapides	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8 Area 2: Nov. 2-3, 9-10, 16-17, 23-24, 29-30, Dec. 1, 7-8 Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 29-30, Dec. 1, 7-8 Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8
Red River	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
Richland	Nov. 16-17, 29-30, Dec. 1
Sabine	Nov. 2-3, 9-10, 16-17, 23-24, 29-30, Dec. 1, 7-8
St. Bernard	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15



Parish	Modern Firearm Either-Sex Days
St. Charles	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
St. Helena	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
St. James	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
St. John	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
St. Landry	Area 3: Oct. 12-13, Nov. 29-30, Dec. 1, 7-8
	Area 6: Nov. 23-24, 29-30, Dec. 1, 7-8
St. Martin	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
St. Mary	Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
	Area 7: Oct. 19-20, Nov. 16-17, 23-24, 29-30, Dec. 1, 7-8
St. Tammany	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
	Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Tangipahoa	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
	Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Tensas	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15, 21-22
Terrebonne	Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
	Area 7: Oct. 19-20, Nov. 16-17, 23-24, 29-30, Dec. 1, 7-8
Union	Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8
Vermillion	Oct. 12-13, 19-20, 26-27, Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1
Vernon	Area 2: Nov. 2-3, 9-10, 16-17, 23-30, Dec. 1, 7-8
	Area 3: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
	Area 8: Oct. 19-20, 26-27, Nov. 2-3, 9-10, 23-30, Dec. 1, 7-8
Washington	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Webster	Nov. 2-10, 16-17, 23-30, Dec. 1, 7-8
West Baton Rouge	Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
West Carroll	Closed
West Feliciana	Area 1: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
	Area 6: Nov. 23-24, 27-30, Dec. 1, 7-8, 14-15
Winn	Nov. 2-3, 9-10, 16-17, 23-24, 29-30, Dec. 1, 7-8

#### E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

#### F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), amended LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002).

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Chairman

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